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From: Palumbo, David
Sent: 2017-07-25T18:00:15-04:00
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Subject: Hiring Memo - Comments & Edits Sought
Received: 2017-07-25T18:00:22-04:00
[Reclamation Overview of Reshaping Efforts and Streamlining the Hiring Controls Process.docx](#)

Hi All:

Pursuant to this afternoon's RLT conversation, please find attached a Word document of the subject June 30th memo.

In light of our (i) workarounds to-date and can-do approach, (ii) potential/pending impacts, (iii) broadening the scope beyond TSC-centric, and (iv) looking at opportunities for alternative service delivery discussion, among other key observations, would you give this document your critical eye

Notwithstanding the fact that we would like to keep this memo to 4 pages when updated as final, any and all comments and edits are welcome and desired.

If we could have those comments and edits by COB Tuesday (8/1) that would be great.

Thanks,

David



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, DC 20240

IN REPLY REFER TO:

91-00000
1.2.4

MEMORANDUM

To: Acting Deputy Secretary

Through: Scott J. Cameron
Acting Assistant Secretary for Water and Science

From: Alan Mikkelsen
Acting Commissioner

Subject: Reclamation Technical Organization and Staffing: Customer-Based Business Model

Given the focus on the restructuring of the Department of the Interior, I feel it is critical to share our long-standing commitment to reshaping to improve efficiency and effectiveness. Reclamation has a long-standing practice of attention to its cost of doing business given its cost recovery requirements. In addition, customers are engaged regularly to ensure that the costs that are being passed on to them are explained. Reclamation has not submitted a request for VSIP/VERA Authority and I want to share my rationale for this decision. I would also like to share my commitment to doing what I believe will facilitate further improvements and accomplishment of the Administration's goals without compromising achievement of our core mission of delivering water and generating power. As such, I will also propose a process for streamlining the hiring controls process, but, I will begin with an overview of Reclamation and our significant past reshaping efforts.

Reclamation is a western-based organization with approximately 99 percent of our employees located in the 17 western States. We are divided into five regions, including 26 area offices, which are geographically defined by major watersheds (hydrologic basins). We also have a small presence in Washington, D.C., and have centralized other functions, including Reclamation's Technical Service Center (TSC) at the Denver Federal Center. This model results in lower costs to customers while ensuring state-of-practice technical capability important to the long term reliability of Reclamation's infrastructure. The vast majority of Reclamation's \$1.1 billion appropriated annual budget is allocated to the five regions and their 26 area offices. The centralized administrative and technical functions in Denver receive virtually no appropriation, relying almost exclusively on as-requested service agreements with the regional and area offices.

Seventy-two percent (72%) of our engineers and scientists are assigned directly to regional and area offices performing day-to-day operation and maintenance and general engineering functions

to support water and power infrastructure, valued at \$104 billion. This includes 337 reservoirs, 475 dams and 76 hydropower facilities, 8,116 miles of canals, 942 pumping plants and associated pipelines and siphons, and 202 recreation sites.

Our regional and area offices need periodic or intermittent access to staff with highly technical and unique specializations that would be inefficient for each office in the field (regional and/or area offices) to maintain in-house. We have chosen to maintain this critical expertise at the TSC, in Denver, CO, and to allocate those resources when and where they are needed. The TSC is comprised of approximately 500 scientists and engineers, who work exclusively for the regional and area office project teams on an as-requested, full-cost recovery, fee-for-service basis. The TSC plays a critical role in the design, construction, operation, maintenance and replacement of Reclamation's critical infrastructure. Centralizing this expertise at the TSC, allows us to have, for example, one technical expert for Reclamation instead of one expert in each of the 5 regions.

In addition to the office space that the TSC occupies, they also operate a specialized laboratory facility, with unique functions critical to Reclamation, including:

- The Concrete, Geotechnical, and Structural Laboratory, provides specialized expertise on engineering materials used to build Reclamation facilities, with an emphasis on concrete and geotechnical materials. This group houses world-renowned laboratory testing facilities, as well as supports extensive field testing and repair capabilities.
- The Materials and Corrosion Laboratory, offers expertise in engineering materials selection with an emphasis on corrosion control. The group inspects, designs, specifies, and field tests corrosion mitigation systems including protective coatings and cathodic protection. They have competency in non-metallic materials, such as composites and geosynthetics, and environmental compliance and management. The laboratory houses extensive testing capabilities for assessing the interaction of a material with its service environment.
- The Hydraulic Investigations and Laboratory performs hydraulic modeling, analysis, and field testing expertise to solve a variety of water resources, hydraulics, and fluid mechanics problems. The work is focused on ensuring the safety of Reclamation dams, managing and conserving water resources, constructing, operating and maintaining essential infrastructure, and protecting and improving the environment.
- The Reclamation Detection Laboratory for Exotic Species uses technologies to detect exotic species in habitats associated with water resources management projects. Disciplines include chemistry, botany, entomology, water quality, engineering, limnology and ecology.

The cost to relocate the approximate 150,000 square foot laboratory facility and the approximate 120,000 square foot TSC office, is estimated to be in the range of \$150,000,000 to \$275,000,000, depending on the new location. The cost associated with relocating the approximately 500 TSC employees to the new location, is estimated to be approximately \$40,000,000. (b)(5)

(b)(5)

(b)(5)

Our organizational structure has evolved over the years. Specifically, in the late 1980s the majority of Reclamation's headquarters functions moved from Washington, D.C., to Denver, CO. In the mid-1990s, Reclamation restructured, reducing the workforce by 20 percent, with the goal of empowering the regional and area offices with operational responsibilities and decision-making authority. At the same time, we created the Denver Reclamation Service Center with the focus of serving the needs of the regional and area offices. This reshaping effort consisted of two major components. One, it centralized administrative services associated with Reclamation-wide policy analysis and program management related to water and power resources management; information technology; acquisitions; safety, security & law enforcement; and finance and accounting. Two, Reclamation's TSC was created to provide mission critical science and engineering support focusing on maintaining capability and capacity in core competencies areas, such as civil (hydraulic, hydrologic, geotechnical, structural) mechanical, and electrical engineering.

In 2006, Reclamation's reshaping continued through the implementation of our "Managing for Excellence Action Plan" which was Reclamation's follow up to a National Academy of Sciences review. As part of Reclamation's commitment to continuous improvement, this plan continued to sharpen our focus through Reclamation's commitment to efficiency, transparency and accountability measures related to policy and administrative functions and decision making processes; engineering and design services; project management; operating a world-class materials and hydraulic engineering laboratory; providing technical assistance to other Federal agencies through interagency agreements; as well as working with state and private entities through cooperative and technology transfer agreements. While there were smaller reorganizations after 2006 to the present, the "Managing for Excellence Action Plan" is the effort that most directly contributed to our current organizational structure.

As part of the Managing for Excellence effort, a joint leadership group known as the Coordination and Oversight Group (COG) was established. One of the duties of the COG was to ensure that critical competencies were maintained and that attention was given as to the most efficient method of delivery for those competencies. Significant attention was given to the identification of what could and should be housed within the TSC for efficiency and succession planning needs. The TSC organization is flat (2 layers of management) with an average supervisory span of control of 14:1. (b)(5)

(b)(5)

The TSC staffs the comprehensive facility reviews to assess maintenance practices at Reclamation facilities. The Dam Safety Office, Hydropower Office and the Associated Facilities review program all acquire services from the TSC to carry out the facility reviews rather than having staff in each of the Denver organizations to do so or being overstaffed by having examiners at each of the facilities or in each region. In an effort to ensure efficiency and quality are regularly examined to ensure improvements are still being implemented. Most recently, the frequency of the review programs has been examined to ensure that the integrity of the process was maintained while the review period has been or is in the process of being extended for several of the comprehensive facility reviews.

Our stakeholder-centric and customer service-focused model, including the locations of our field staff and those in Denver, including the TSC, makes clear our approach to ensure that responsibility for execution of Reclamation's mission resides at a level that is closest to project beneficiaries. Due to the workforce reshaping we have undertaken and the efficiencies gained by housing the TSC, and administrative functions, in Denver (b)(5)

(b)(5)

(b)(5)

Please do not hesitate to contact me to discuss this proposal. Thank you for your consideration.

cc: ASWS

ES

94-00000 (ERRogers, GFPayne), 96-00000 (JColeman, DPalumbo)

84-50000 (RGonzales), 84-52000 (GKunkel-Shields), 84-58000 (CDurrett)

Transition Plan

Guidance for the USDA Forest Service from the Trump Administration¹

Foreword. The intent of this brief is to outline a Transition Plan for the incoming Chief of the USDA Forest Service with direction from the President of the United States and the Secretary of the United States Department of Agriculture (USDA), with specific guidance from the Secretary's team in the Natural Resources and Environment mission area.

The USDA Forest Service. The Forest Service is the primary national federal forestry organization providing leadership in the stewardship -- management, protection, and use -- of natural and cultural resources on our country's vast forests and grasslands.

The Forest Service was established in 1905 to provide management for the Forest Reserve Act which set aside the lands, and to manage our National Forests and Grasslands for future generations. There are 154 National Forests and 20 Grasslands that comprise 193 million acres in 43 States, The Virgin Islands, and Puerto Rico. The Forest Service is guided by about 12 Laws and Acts; the primary being the Organic Act of 1897. Many of these guiding acts now conflict and need to be updated to better address the contemporary conservation demands of a growing America. The Organic Act of 1897 should be the guiding authority for the Forest Service for the incoming Administration.

The Forest Service also has an indirect role in the stewardship of the nonfederal forests. Overall, there are about 885 million acres of forestlands across our country, including the 138 million acres classified as urban forests. The Forest Service has either a direct or indirect role in the care of about 80 percent of these lands, bolstered by science-based information from the largest forestry research organization in the world.

The mission of the Forest Service is characterized by the slogan, "Caring for the Land and Serving People."

A Need for Change. America's remarkable natural resources are being threatened by the impacts of a changing climate, causing significant disturbances and tree mortality. For example, California alone has over 100 million trees dead or dying. This is matched by other states seeing similar effects. An epidemic of destructive invasive insects and diseases is decimating the forests already weakened by dramatic overstocking due to the Forest Service's inability to effectively manage these forests because of current environmental laws, regulations and rampant blocking legislation. The upshot is, a once proud organization is now seen by many as not able to keep up with today's more contemporary landscape scale conservation demands. The current

¹ Prepared by the National Wildfire Institute, January 12, 2017 (rev. 1).

organization is struggling to find its way in a new environment with expectations that it can still do the same level of services with fewer employees and reduced management dollars.

Part of the inability to perform forest management at a level required to meet current demands, is the redirection of funds within the agency for the control of wildland fires. The costs for fire suppression have become enormous. In the mid 1990's, about 16 percent of the Forest Service budget was associated with fire management. Today, it is over 50 percent of the agency's budget, with a conservative projection of just under 70 percent of the total Forest Service budget by 2025. Fire suppression costs routinely exceed \$1 million per hour. If left unchecked, the USDA Forest Service will become a USDA *Fire Service*.

A paradox has emerged. Because effective forest management has declined, America's forests are becoming clogged; we grow about twice what we use. This, combined with the impacts of climate change and development of what is called the Wildland-Urban Interface, is increasing the number and size of wildland fires. This calls for more funds to be redirected away from management actions for fire suppression, causing forests to become less healthy and less resilient to disturbances. This destructive cycle can and must be broken by emphasizing the management of America's forestlands, with an expanded focus on the National Forests.

The new Administration must, as it takes charge, move fast to identify areas of opportunity, and transform the Forest Service to meet the challenges now and ahead. This will be the primary task of a new leadership team: of the President; Secretary of Agriculture; and, the Forest Service Chief. With any leadership change, the first few months are times of maximum opportunity, when employees and cooperators are expecting change and are most open to well thought out ideas for effective and efficient transformation.

A Transition Design. The National Wildfire Institute (NWI) is offering a transition design that has worked for the last 40 years in a wide-range of state, local, and federal organizations. Using this transition design will provide a real and proven chance to save our nation's forest heritage through transformative actions. The NWI will accept no pay for the deployment of the transition design, just necessary expenses to help implement the required steps. We do expect that key leaders in the new Administration, including the USDA and Forest Service, will give their full support, enabling positive change and increased accomplishments that will be transparent to our country.

To accomplish this, we have designed a series of meetings at all levels of government affecting the Forest Service, from the Office of The President to the lowest level of the Forest Service; the Ranger Districts and Research Projects, for example. These meetings must occur swiftly and with active participation at all levels to succeed. The transition design includes the following steps:

STEP 1. The President or designee shall meet with the Secretaries of both the Departments of Agriculture and Interior, providing clear direction to jointly develop a *conservation* vision for

America's public lands, in concert with the non-federal forests. This vision will not include the National Parks due to their specific *preservation* mission. These two leaders shall agree on the following:

1. A new method of managing forest landscapes to attain biological diversity, economic resiliency and productivity by maintaining and encouraging a balance of forest age classes, successional stages and conditions. This approach to managing public forests recognizes that all forms of vegetation within a forest contribute to the greater good in creating complexities that enhance wildlife values for the broadest spectrum of species, while providing greater protection from catastrophic fires, creating healthier forests and benefitting local communities. This is called seral stage management.
2. A policy of developing quality ecosystems versus single species protection, which is destroying our Forests and habitat with little benefit for wildlife.
3. A policy of maximizing resource revenue using the new seral stage management to provide best habitat for all species.
4. The ability of industry to utilize increases in forest products. Industry infrastructure has been diminished due to inability to get enough forest products. Incentives will be needed to jumpstart the industrial machine. A high value innovation is on the horizon. It is wood-based nanotechnology. It is a revolutionary process designed by researchers that can take raw forest waste and through various processes convert it to cellulose nanomaterials that when added to almost any manufactured product make the products lighter and stronger. Cellulose nanomaterials have tensile strength that exceeds steel. This innovation needs high level support and could be an economic game changer needed to change the health of America's forests. Because of the wide range of products using cellulose nanomaterials -- packaging barrier coatings; printing paper coatings; structural composite panels for construction; flexible electronic displays; printed electronics; lightweight structural and non-structural panels and parts for aerospace; automotive applications; and, a host of industrial tools and consumer products --using nanocellulose materials from lower value wood can also be a significant economic driver for the entire country. Other innovations such as commercial building construction using advanced wood composites and torrefied wood for energy need advancing.

STEP 2. The President shall request Congress to:

1. Modify or eliminate the Equal Access to Justice Act. It has been captured by law firms for frivolous law suits and is halting effective forest management activities throughout America.
2. Eliminate the Northwest Forest Plan. It has never accomplished its objectives and now impedes progress on most critical projects.
3. Restate the Original Organic Act of 1897 as the nation's guiding direction on Forests and Grasslands conservation.

4. Direct the Office of Personnel Management to give full support to Forest Service attempts to reconfigure its organization to better respond to contemporary conservation priorities through a more optimal organizational design (s).

STEP 3.

1. The Chief of the Forest Service will immediately set in motion a series of transition meetings to communicate his/her vision allowing Forest Service employees to know their place in deployment of this vision.
2. The Chief of the Forest Service will start at his/her Executive Team to make the needed organizational and personnel changes to achieve the objectives of the vision.
3. The Chief of the Forest Service will name two Washington Office staff with recent line experience and excellent facilitative skills to be part of a transition design cadre. These two employees will be joined by two District Rangers; two Research Project Leaders; and Fire Incident Commanders from each Region (all appointed by the respective Regional Foresters and Station Directors) to form a corporate transition design cadre. This cadre will design a strategy to effectively communicate the vision of the agency to all employees of the Forest Service. The aforesaid transition design cadre will initially be trained in the NWI staff.

STEP 4. The first transition meeting will be with the existing National Leadership Council (NLC). The objective of this three-day meeting will be:

1. Become familiar with the Chief's management values and operating style, and those of the NLC.
2. Develop plans to implement a "first 100-day Strategic Plan" with elements of:
 - Active management of Forest Service managed lands.
 - Effective human capital investment.
 - Develop a vision of leadership development that is available at all levels.
 - Define what organization effectiveness will look like and the steps to get there.
 - Define steps to move toward community stability and job creation.
 - Clearly articulate the Forest Service values and strategy on empowering cooperators, recognizing that they are a multiplier of strength, and offer on-the-ground support and local knowledge.

STEP 5. The NLC will, after completing their transition meeting, have the following skills:

1. A clear understanding of the program direction of the new USDA Secretary and his/her team and how this will affect the overall vision and Chief's primary focus areas.
2. Be able to communicate a strongly held commitment to corporate mission attainment and how important it is at all levels to exhibit this corporate stance.
3. Be able to communicate the importance of the economic aspects of productive forests and their critical importance to rural communities. The accomplishment of 20 million acres of

restoration, annually, from all lands can be the lifesaver for the rural communities and our national treasure.

4. Elicit from the NLC a firm commitment to immediately select the transition cadre and hold meetings on their Regions, Stations, and all Forest and Ranger Districts/remote stations to communicate the Chief's vision and priorities. Each employee will be encouraged to identify how they can be a part of the new vision and be supported in this.
5. Identify what help is going to be needed from the Office of the President, Congress, Office of Personnel Management, and Office of Management and Budget to support the revised Forest Service direction and to support needed organizational shifts, personnel reassignments and job modification. The NLC will identify possible roadblocks and strategies to overcome them, including any help needed from the USDA and/or Office of the President.

This transition to help strengthen the Forest Service to meet public service demands now and ahead will need to be top priority for the Chief and all of his/her NLC, as well as their home Leadership Teams. The NWI will need strong support from the Chief; the NLC; and, all the local Leadership Teams to make this a success. This is the start of a new era for the Forest Service and can be rewarding to all involved, and the users of our Nation's forests.

If requested, the NWI will be available to work with Department/Forest Service Transition Teams to plan training meetings and detailed agendas. We will be available to plan and execute these important meetings and stress the need to move swiftly.

To: Dominic Maione[dominic_maione@ios.doi.gov]; Pamela Barkin[pamela_barkin@ios.doi.gov]
From: Holley, Amy
Sent: 2017-07-13T15:33:51-04:00
Importance: Normal
Subject: Fwd: Electronic Copy?
Received: 2017-07-13T15:34:28-04:00
[FINAL 6 18 Set Core Set of Hearing Qs and As.docx](#)
[FINAL Index of Questions and Answers 6 19.docx](#)

I am hoping this is what you were looking for....

----- Forwarded message -----

From: **Moss, Adrienne** <adrienne_moss@ios.doi.gov>

Date: Thu, Jul 13, 2017 at 3:07 PM

Subject: Fwd: Electronic Copy?

To: Amy Holley <amy_holley@ios.doi.gov>

Cc: Olivia Ferriter <olivia_ferriter@ios.doi.gov>, Denise Flanagan
<Denise_Flanagan@ios.doi.gov>

Amy,

Attached are the Qs and As used for the Secretary's hearing prep. It is the whole universe and you'll want to cull through them. Also attached is the index if you need that as well.

Let me know if you have questions.

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Advisory Committees/RACs Review

Q. I've had complaints from my constituents about advisory committees, particularly Resources Advisory Committees (RACs), being reviewed and on hold until September.

Why are you reviewing these? Are you trying to public stifle participation?

A.

- Interior currently has more than 200 boards, committees, and other internal and external advisory groups
- Some of these committees haven't met in 8 years, and others have not had sufficient turnover or have unfulfilled positions. There are even some who were not compliant with their charters
- I asked for a review to ensure 1) the Department receives maximum feedback from these boards and 2) they are compliant with the Federal Advisory Committee Act (FACA)
- As boards are reviewed, we will provide notice of future meetings so we can continue to receive and benefit from helpful input from local communities on public land management issues

Arctic National Wildlife Refuge

Q. Why is the Administration proposing to open the Arctic National Wildlife Refuge to oil and gas drilling?

A.

- ANWR's 1002 area is the country's best prospect for oil and gas
- Congress recognized the 1002's potential and segregated it for further study
 - Congress makes the decision on drilling
- Last resource evaluation in 1998
- Previous estimates range from 7 to 10 billion barrels
- Secretarial Order calls for a plan to update key Alaska resource assessments including the 1002 area

Q. What are the benefits if enacted?

A.

- Three important benefits –
 - Increased national energy security
 - Revenue for the Treasury – deficit reduction
 - \$3.5 billion over ten years shared with Alaska
 - American jobs and economic growth – Trans Alaska Pipeline (TAPS)
 - TAPS is at roughly 1/4 of capacity right now –558,000 barrels – can accommodate 2.1 million
 - Oil revenue was about 90 percent of Alaska's budget in 2014
 - California more reliant on foreign crude for refining – foreign sources supplied 54% in 2016 – up from 26% in 2000 – because of drop in Alaska oil

Asian Carp

Q. What is the Department doing to control the spread of Asian Carp? What is currently funded for this and what is proposed in FY 2018?

A.

- Interior is using eDNA – to detect traces of carp and monitor their movements
- Focus is on preventing Asian carp from reaching the Great Lakes
- The budget includes \$13.5 million to combat Asian carp – level with 2017

Budget General

Q. Is this a budget you can support?

A.

- Yes – this budget makes tough choices but funds our top priorities
- Balances America's budget by 2027
- Saves \$1.6 billion – with 12 percent savings from lower priorities
- Priorities:
 - Advance national policies
 - Energy (Total \$791 million, +\$16 million)
 - Infrastructure (\$766 million for NPS construction and maintenance, +\$35 million)
 - Focus on Interior's mission
 - Resource stewardship (\$4.4 billion for land management operations)
 - Trust responsibilities (\$2.5 billion for Indian Affairs)
- Savings:
 - Lower priorities
 - Federal land acquisition (-\$129 million)
 - Duplicative or overlapping activities
 - Abandoned Mine Lands Development Grants (-\$90 million)
 - Activities where partners can step in
 - Heritage Partnership Programs (-\$19 million)
- Generating revenue
 - Budget proposes \$5.8 billion for the Treasury over 10 years

Cadiz

Q. Are you planning to overturn policies regarding the use of railroad rights-of-way that would allow the Cadiz project to move forward without normal environmental reviews?

A.

- The 2011 Solicitor's Opinion still stands
- It is the Department's interpretation of the General Railroad Rights of Way Act of 1875
- There are broader infrastructure policy issues on the use of railroad rights-of-way across the country
- We will look at these issues
- A long-term solution is important to achieve our national infrastructure objective

Q. Estimates from the USGS and NPS on natural water recharge in the area are much lower than Cadiz's. I am concerned the Cadiz project would deplete the aquifer and destroy the desert. Are you aware of these estimates?

A.

- Yes. Understand the USGS has not updated its research on this since 2000
- The NPS used this data in its 2012 review
- USGS has offered to evaluate scientific studies with higher estimates

Note:

Received a letter from Senator Feinstein, May23, sharing this information and opposing any efforts to revisit the current Solicitor's opinion on Railroad Rights of Way.

Climate

Q. How did climate programs fare in this budget?

A.

- Interior manages about 20 percent of America's lands – our employees adapt our management to address changing conditions
- Focuses core science support in the U.S. Geological Survey – eliminates duplicative programs in FWS
- Prioritizes water availability, invasive species, and fire management

Note:

The Cooperative Landscape Conservation funding crosscut tracks a set of programs identified as “climate.”

2018 budget proposes *\$31 million for climate programs, \$130 million below the FY 2017 CR level*

Coal

Q. What does this budget do for coal country?

A.

- Supports coal development
 - Increase in BLM to meet coal application processing needs
 - *(\$19 million, +\$8 million)*
- Supports State regulatory programs for surface mine reclamation in-line with State and tribal requirements
 - *(\$60 million, -\$8 million)*
- This budget supports coal country
 - Provides full access to mandatory Abandoned Mine Land payments – including to certified States
 - Mandatory AML payments – scheduled to increase in FY 2018
(\$322 million, +\$51 million)
 - Maintains the current AML fee structure on coal production

Coal Moratorium/Coal Royalty

Q. The Department unlawfully ended the coal moratorium and postponed the coal royalty valuation rule. You promised you were going to follow the law, but your actions contradict that commitment. Why are you favoring coal interests?

A.

- I support an all-of-the-above energy approach, and that includes coal
- Public interest was not served by halting the federal coal program
- The President has tasked me to promote energy independence, which means promoting America's energy dominance as a matter of national security
- The budget continues to support funding for renewable energy resource development in line with anticipated industry interest (*\$78 million, -\$19 million*) – shows all energy is important to Interior

Critical/Rare Earth Minerals

Q. What is in the budget for Critical or Rare Earth Metals?

A.

- Budget includes level funding \$1.1 million in the USGS for this work

Delta Smelt

Q. What is the status of efforts to raise Delta Smelt in hatcheries to address ESA concerns?

A.

- FWS is working with the State, the National Marine Fisheries Service, and the Bureau of Reclamation to plan for new facilities and evaluate the feasibility and success of supplementing native fish with captive-bred Delta Smelt
- EIS Preferred alternative – construct an Estuarine Research Station and a Fish Technology Center at the former Rio Vista Army Reserve Center
- Wet conditions this year have been good for the Delta smelt
- They estimate there were 48,000 adult Delta smelt in January and February 2017 -- much higher than the 2016 estimate of 16,000 adult Delta smelt

Document Requests

Q. The White House and Department of Justice has said Departments do not have to respond to document requests initiated by Democrats.

Does the Department share this commitment to secrecy? Will you commit to sharing documents with all parties?

A.

- Interior is committed to transparency and complying with requests in a manner that is consistent with the Freedom of Information Act (FOIA)

EAJA/ESA Payments

Q. How much has Interior spent on Equal Access to Justice Act and Endangered Species Act requirements?

A.

- Interior spent \$2 million in 2015 and a little over \$1 million in 2016 on EAJA payments
- Interior spent close to \$1 million in 2015 and under a \$100,000 in 2016 on payments associated with ESA cases for attorney fees and court costs

ESA – Status of Backlogs

Q. What is the current backlog for the 5 year reviews of endangered species?

A.

- There are 1,579 listed species
 - 31% (489) have current 5 year reviews
 - 16% (251) don't require reviews yet – haven't been listed for 5 years
 - 53% (839) have no review or an out of date one
- FWS has about 600 reviews in progress – can be complex and take more than a year to complete

Q. What is the backlog on recommendations to downlist or delist species?

A

- There are 49 species eligible for down (26) or delisting (23)
 - 12 have been formally proposed for action in the Fed Register to down or delist
 - Another 12 are planned
 - 25 await action

Earthquake Early Warning

Q. The budget zeroes out funding for Shake Alert. Why? Do you intend to execute this program fully?

A.

- Budget prioritizes support for the core USGS Earthquake program (\$51 million, -\$9 million)
 - Protects core seismic monitoring across the United States
 - Continues damage assessments – support to first responders where there is high earthquake risk
- I understand the importance of this program to the States
- Budget makes a tough choice to support the core Earthquake program
- Yes. We will fully execute the program as appropriated in FY 2017

Energy

Q. What is in this budget for energy programs?

A.

- Supports all-of-the-above energy program
- Includes increases for oil and gas development on and offshore
 - Improves permitting and energy related rights of way
 - Plans for new 5-year offshore leasing plan (+\$10 million)
- Supports renewable energy on and offshore – meets anticipated demand
 - (\$78 million, -\$19 million – mostly onshore)
- Boosts Coal development programs
 - Improve coal application processing
 - (\$19 million, +\$8 million)
- Maintains revenue collection programs – safeguards return to taxpayers for use of America's resources
 - (\$138 million, -\$3 million)

Note:

(\$ in millions)		
	FY 2018	Change from FY 2017 CR
Energy	\$748	+\$9
Renewables	\$78	-\$19
Conventional Energy	\$1,046	+\$54
Oil and Gas	\$513	+\$23
Offshore	\$343	+\$7
Onshore	\$170	+\$15
Coal	\$19	+\$8
Revenue and Compliance (ONRR)	\$138	-\$3

Energy – New 5 Year Plan

Q. What is the status of the new 5 Year OCS Oil and Gas Leasing Program?

A.

- President's EO directs new 5 year plan – about 2 years ahead of schedule
- Whole process takes about 2 and a half to 3 years
- Taking first step soon – first Federal Register notice asking for information and comments
- Will consider leasing offshore Alaska, the Mid-Atlantic, South Atlantic, and the Gulf of Mexico

Note:

- The Cook Inlet oil and gas lease sale (244) is scheduled for June 21, day of Senate Interior hearing

Fire**Q. What is in the budget for Wildland Fire Management?**

A.

- Responsible budget for Wildland Fire Management
- No fire cap adjustment proposal – straight appropriations
- Fully funds the ten year average for fire suppression
- Maintains preparedness levels
- Supports Fuels Management activities (\$150M)

Note:

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Wildland Fire Management	\$874	-\$118
Preparedness	\$322	-\$1
Suppression	\$389	-\$78
Fuels Management	\$149	-\$20
Other Operations	\$12	-\$19

Fire

Q. Do you support the fire cap adjustment proposal?

A.

- I think we need to find a long-term solution – want to work with you on this
- Catastrophic fire years are not predictable – they don't wait for the budget
- Current system –
 - Ties up appropriations waiting for bad fire year
 - Or, we put other programs at risk to fund emergencies

Gag Order

Q. Does the Department have a gag order on employees responding to requests from Democrats?

A.

- No, I can say with certainty there is no gag order in place at the Department
- I have made myself directly available to you since I became Secretary and will continue to listen to all issues, regardless of party
- The Department is working to respond to both Democrat and Republican letters and requests in a manner that is informative and timely

GOMESA Legislative Proposal

Q. What does the GOMESA legislative proposal do?

A.

- Ensures all States share in OCS revenue
- Redirects all GOMESA revenue to the Treasury – including revenue slated for four Gulf States (AL, LA, MS, and TX)
- Brings an estimated \$3.6 billion over ten years to the Treasury
- If unchanged, GOMESA lease revenue for these four States expands from \$1 million in 2017 to \$272 million – and climbs to \$375 million by 2022
- Proposal treats these leases in-line with other offshore leases
- Federal share for most OCS revenue is 100 percent – these resources belong to all Americans
- OCS lands lie outside State boundaries – Federal government is responsible for the full cost of managing these areas for safety and environment protection

Q. Onshore revenue sharing with States is 50 percent. Why shouldn't coastal States get an equal share of revenue sharing from the OCS?

A.

- Coastal States get money from energy development in waters dedicated to the States under Federal law – this proposal doesn't change that
- Coastal States also get economic benefits from energy operations in Federal waters near their coasts
- The Gulf States receive –
 - All revenue from development in State waters – 3 nautical miles from their coastline, and
 - 27 percent of revenue from leases in the 8(g) areas – another 3 miles from State waters

Grants Review

Q. I've had complaints from my constituents about delays in getting funding from the Department because of a new grants review process you have put in place.

What is this review? Is it temporary or permanent?

A.

- Interior distributes about \$5.5 billion in grants and cooperative agreements each year
- This review helps me better understand where these funds are going and how they benefit our mission
- I have seen the news reports – as I am sure you have – about certain grants such as the \$150,000 grant to document tales of supernatural phenomena in Alaska. When the National Park Service has such a huge deferred maintenance backlog, I have to wonder if that's a good use of our funds.
- That said, our grant review process is moving fairly quickly. We have reviewed at least 1,000 grants in just a month.
- Thus far, I have no major concerns and if things continue as they have – I will phase out this review
- It's not my intention to slow things down – I'm happy to follow up on any specific grants you are interested in.

Note:

Interior awards about 5,000 grants and cooperative agreements over \$100,000 annually

Hiring Controls

Q. Congress gave you a strong FY 2017 Appropriation that is well above the 2018 request. Will bureaus be able to fully execute FY 2017 funding given the hiring controls you have in place?

A.

- We are moving quickly and responsibly to execute the FY 2017 appropriation
- The hiring controls will not interfere
- Emphasis is on hiring in the field – trying to fill the front line

Q. The President's Hiring Freeze Executive Order has come to a close, yet the Department still has a hiring freeze on positions in place. This means key positions remain empty. Why did you decide to keep a freeze on jobs?

A.

- My priority is to restore trust, which means placing people where they are needed most – closest to the ground
- Both Denver and DC are top heavy, so we need to review and assess where these positions should be placed in the field
- The Department is committed to being a good neighbor and steward, and that comes with more boots on the ground

Indian Country

Q. What are your priorities for Indian Country?

A.

- Funds Indian Affairs and Special Trustee programs at \$2.6 billion
 - *(\$2.6 billion, -\$323 million or 11 percent below the 2017 CR)*
- Priority – support self-determination – honor commitments
 - Fully reimburse Tribes for delivering BIA programs – Contract Support Costs – *(\$242 million, -\$35 million)*
 - Fully reimburse Tribes for managing BIE school programs – Tribal Grant Support Costs *(\$74 million, +\$1 million)*
- Focus funding on core service activities
- Bureau of Indian Education funding
 - *(\$786 million, -\$64 million or 8 percent below 2017 CR)*
- Maintains Indian Water Settlement commitments
- Focus Construction on facility operations and maintenance – limit new construction
 - *(\$143 million, -\$50 million or 26 percent below 2017)*

Notes:

- GAO cites BIE's cost per pupil is \$15,391
- Compares to public schools nationwide average of \$9,896 without food service

Indian Education

Q. Given the funding reductions to Indian School Construction what is your strategy to improve school facilities?

A.

- Tough budget choices – Indian Affairs will focus on:
 - Deferred maintenance and repair and education outcomes
 - Work to complete school replacement construction projects in the pipeline
 - Planning and design of the 10 schools on the 2016 Replacement School list
 - Major improvement and repair projects at education facilities
 - Improving construction management practices and processes

Notes:

- GAO cites BIE's cost per pupil is \$15,391
- Compares to public schools nationwide average of \$9,896 without food service

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Indian Education	\$867	-\$122
School Programs	\$786	-\$64
Education Construction	\$80	-\$58

Indian Education – GAO High Risk

Q. GAO says 11 of 13 recommendations for improvements needed in the management of BIE schools remain unaddressed. What's being done to improve the BIE schools?

A.

- I share your commitment to improve the BIE schools
- BIE is focused on the GAO recommendations – roadmap for improvement
- Our BIE Director, Tony Dearman, committed to a culture of transparency, collaboration, and dedication to ensure success across the BIE
- Working to address each recommendation
- Priorities – service delivery to schools, ensure accountability, organizational stability

Q. When will you meet these recommendations?

A.

- Better Management and Accountability to Improve Indian Education (2013 report)
 - Implemented three of five recommendations – remaining two implemented by 2018
- Effective Oversight of BIE School Spending (2014 report)
 - Implement first two recommendations in 2018 – remaining two in mid-2019
- Safety and Health of BIE Facilities (2016 report)
 - Working with GAO to address these recommendations – focus on school inspections

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Indian Education	\$867	-\$122
School Programs	\$786	-\$64
Education Construction	\$80	-\$58

Indian Education School Construction Status

Q. What is the status of Replacement School Construction Projects from the 2004 List and the Bug O Nay GE Shig project?

2004 Replacement School list projects

- Beatrice Rafferty (ME) – Project now on accelerated schedule with concurrent school board and Indian Affairs reviews
 - Anticipate design completion in late Fall 2017
 - Construction completion expected in Fall 2019.
- Cove Day School (AZ) - In the final design stage. Construction expected to begin Fall 2017
- Little Singer Community School (AZ) - Split project into two separate contracts -- academic buildings and housing quarters
 - Site clearing and grading is in progress for housing.
 - Academic buildings is in the final design phase – expect construction contract award in late Fall 2018

Replacement Facility Project

- Bug O Nay Ge Shig (MN) - Construction is underway – design/build contract was awarded in January 2017.
 - Expect classes will be held in the new space for the Fall semester of the 2017-2018 academic year

10 Replacement School Projects in the Planning Phase: Blackwater Community School (AZ) , Dzilh-Na-O-Dith-Hle Community School (NM), Laguna Elementary School (NM), Lukachukai Community School (AZ), Quileute Tribal School (WA), Chichiltah-Jones Ranch Community School (NM), Crystal Boarding School (NM), Greasewood Springs Community School (AZ), T'iis Nazbas Community School (AZ), and Tonalea Redlake School (AZ)

Indian Energy – GAO High Risk

Q. GAO indicated all 14 recommendations they have made to improve the Department’s Indian Energy programs remain unaddressed. What are you doing to improve the clarity, transparency, efficiency, and skill mix of this program?

A.

- Energy development in Indian Country – important for tribal economies – supports self-determination and sovereignty
- Working to improve –
 - Ownership and resource identification
 - Integrating mapping technology into main system
 - Efficiency
 - Modifying systems –monitor review and response times for leases and agreements
 - Coordination with other entities
 - Indian Energy Service Center formalizing agreements with partners like U.S. Department of Energy – by end of 2017
 - Make clear who is responsible for what

Note:

(\$ in millions)	FY 2018	Change from FY 2017 CR
Indian Energy	\$25	\$0

Infrastructure

Q. What is in this budget to support the Administration's national infrastructure goals?

A.

- Interior plays a strong role in national infrastructure
 - FWS review for potential conflicts with endangered species
 - *(FWS planning and consultation: \$99 million, -\$2 million)*
 - BLM approves rights-of-way and other land use permits
 - *(BLM rights-of-way: part of \$16 million increase in oil and gas programs)*
 - *(BLM transmission corridors, \$5 million)*
- Manage \$300 billion Federal infrastructure portfolio – parks and refuges, roads, bridges, dams
 - Increase National Parks infrastructure *(\$766 million, +\$35 million)*
 - NPS maintenance backlog \$11 billion – 73% of Interior's total backlog – hosted nearly 324 million visitors in 2016
 - Increase maintains park maintenance – boosts construction
 - Address \$15 billion Department-wide deferred maintenance backlog – Include \$1.4 billion for construction and maintenance
 - *(\$1.4 billion, -\$41 million, includes the use of \$173 million in recreation fee revenue)*
 - Invest in Interior's water and power infrastructure in the West

Invasives

Q. What is in this budget to address invasive species?

A.

- The budget includes \$101 million for invasive species work across the Department – nearly level with 2017 *(-\$2.4 million)*
- Early response is important – Bureau of Reclamation proposes an increase *(\$10 million, +\$4.6 million)* to help get ahead of the zebra mussel threat in the West

Notes:

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Invasive Species, total	\$101	-\$2
Asian Carp	\$14	level with 2017
Quagga and Zebra Mussels	\$11	+\$4
White Nose Syndrome	\$7	-\$3

Invasive Mussels in the West

Q. What is the Department doing to address the new threat of invasive mussels in the West?

A.

- Bureau of Reclamation working closely with Western Governors, States and Tribes to keep invasive mussels from infecting the Columbia River Basin
- Currently the last major uninfected watershed in the U.S.
- Estimated economic impact to the region of full blown infestation – \$500 million annually
- Working to protect Reclamation's water and power infrastructure
- Includes almost \$12 million (*+\$4 million*) across Interior for invasive mussel work
 - Prevention, early detection and monitoring, containment and control, and research

King Cove Road

Q. What are your plans to address the need for road in King Cove?

A.

- I am committed to work with you to address this situation

Land Acquisition 2018 List

Q. The 2017 Appropriation included direction for the Department to provide the Committees with a land acquisition project list for FY 2018. Will the Department comply with that direction?

A.

- We will be responsive
- Acquisition of new lands is not a priority for Interior in FY 2018
- Our focus is on taking care of what we already have
- We will coordinate preparation of a project list with the Office of Management and Budget

Land and Water Conservation Fund

Q. Does this budget walk away from the Land and Water Conservation Fund programs?

A.

- LWCF's dedicated revenue from offshore oil and gas requires annual appropriations – subject to budget constraints
- Savings in LWCF reflects no new land acquisition
- Prioritizes taking care of what we already have
- Interior is not walking away from the principles of LWCF
- No funding for new Federal land acquisition
 - *(\$54 million, - \$129 million)*
- No funding for others to acquire new land – Cooperative Endangered Species Conservation land acquisition
 - *(\$19 million, -\$34 million)*
- Proposes to shift funding for LWCF State grants to mandatory funding – \$90 million equal to estimated new 2018 revenue from GOMESA offshore leases
 - *(\$90 million, -\$17 million; increases to \$125 million in 2022)*

Notes:

- End of 2016 balance in LWCF -- \$20.3 billion
- Authorization for LWCF expires Oct 1, 2018

Land and Water Conservation Fund

Q. Does this budget zero out funding for LWCF State grants?

A.

- No – proposes to fund State grants from mandatory funding instead of appropriations
- Currently receive revenue from GOMESA offshore leases
 - Revenue is expected to increase significantly starting in 2018 – from \$319,000 in 2016 to \$90 million in 2018
- 2018 funding allows the State grants to continue – at a reduced level
 - *(\$90 million, -\$17 million)*
- Propose legislative changes to GOMESA revenue sharing to guarantee mandatory funding for LWCF State grants comparable to expected revenue
 - Instead of relying on fluctuating revenue – would provide fixed level of \$90 million in 2018, increasing to \$125 million in 2022 and thereafter

Land Sale and Transfer

Q. What is your position on selling or transferring public lands?

A.

- I do not support the sale or large-scale transfer of our public lands
- Our treasured lands are to be maintained and preserved ‘for the benefit and enjoyment of the people’
- For small scale transfers, I want to ensure access is maintained and recreational opportunities are protected for generations to come
- With any transfer, there has to be a guarantee that the land will not be misused or sold off for development
- If you are going to divest of property, you need to invest in other properties to protect the recreational value

Memorial Bridge

Q. What is the status of funding for the Memorial Bridge?

A.

- The total cost estimated cost for the Arlington Memorial Bridge rehabilitation is \$262 million – to be funded in two phases
- Cost of the first phase is \$166 million
 - NPS received a \$90 million U.S. Department of Transportation FASTLANE grant
 - 2018 Budget includes \$18 million – reprogram \$15 million in 2017 to meet construction schedule

Methane Rule

Q. The Department recently, and quietly, announced a delay in implementing the BLM methane rule despite the fact that it is against the law to make such a delay since it became a binding rule on January 17, 2017. Postponing this rule deprives the American people of clean air and valuable revenue. How do you justify making this sort of unlawful decision?

A.

- The Department is committed to assessing the rule and all venting and flaring requirements to craft pragmatic policies
- As Secretary, I am dedicated to managing our federal lands in ways that incentivize responsible energy development
- Responsible energy development and proper conservation are not mutually exclusive goals

Monuments

Q. What is the status of your recommendation to the President on the Monuments under your review?

A.

- I am reviewing 27 monument designations
- The President's Order called for a recommendation on the Bears Ears National Monument designation within 45 days – I sent my recommendation to the President last week
- The final recommendation on Bears Ears and the other 26 monuments is due to the President 120 days from the Executive Order
- We extended the formal comment period for Bears Ears through July 10 – the same deadline for comments on the other 26 monuments
- For the Bears Ears review – I spent a lot of time on the ground in Utah – local input is absolutely critical
- Last week I went to Katahdin Woods – to with local stakeholders and tribes
- I will go through a similar process for each of the 26 where there are issues
- My job is to give the President recommendations – he makes the decision

Q. What is your criteria – Are you considering the development potential of the areas?

A.

- I consider resource development and multiple use as well as recreation and conservation considerations
- I consider the highest and best uses of the areas I've been asked to evaluate

National Heritage Areas

Q. The work of the National Heritage Areas is so important, why don't you include funding in this budget?

A.

- Need to take care of Interior's operations first
- There were higher priorities we needed to fund
- The National Heritage Areas provide economic and cultural benefits – good examples of the benefits of partnerships

Note:

- Funding for Heritage Partnership Programs which support the NHAs is eliminated in the budget – savings of \$19 million from the 2017 CR level

NPS – Impacts of Reductions in the Parks

Q. What would be the impacts of this budget on the parks? Will parks close entirely?

A.

- First, parks will seek to reduce non-personnel costs
- Strategies will vary by park
 - Could limit or close certain areas
 - Adjust operating hours and visitor services
- Not planning to close parks

Note:

- Budget reduces funding for park and program operations -\$131.8 million, and 1,198 FTE
- Overall, the budget reduces discretionary funding for the NPS by \$296.6 million, and 1,206 FTE.

NPS – Funding for Member Parks

List of Parks by Member for SENR Committee Members					
SENR Member	National Park Service Unit	State	FY 2017 C	FY 2018 Request	Change
Alexander (TN)	Great Smoky Mountains National Park	NC/TN	19,377	18,301	-1,076
Barrasso (WY)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Cantwell (WA)	Olympic National Park	WA	13,107	12,385	-722
Cantwell (WA)	Lake Roosevelt National Recreation Area	WA	6,064	5,710	-354
Cantwell (WA)	Mount Rainier National Park	WA	12,701	12,003	-698
Cantwell (WA)	North Cascades NP, Lake Chelan NRA, Ross Lake NRA	WA	7,530	7,111	-419
Cassidy (LA) / Graves (LA)	New Orleans Jazz National Historical Park	LA	1,304	1,231	-73
Cassidy (LA) / Graves (LA)	Jean Lafitte National Historical Park & Preserve	LA	5,611	5,299	-312
Daines (MT)	Glacier National Park	MT	13,777	13,029	-748
Daines (MT)	Little Bighorn Battlefield	MT	3,666	3,460	-206
Daines (MT)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Duckworth (IL)	Lincoln Home National Historic Site	IL	2,842	2,690	-152
Flake (AZ)	Canyon de Chelly NM	AZ	2,034	1,921	-113
Flake (AZ)	Grand Canyon NP	AZ	21,546	20,361	-1,185
Flake (AZ)	Organ Pipe Cactus NM	AZ	4,460	4,213	-247
Flake (AZ)	Petrified Forest NP	AZ	3,589	3,390	-199
Flake (AZ)	Saguaro NP	AZ	3,690	3,486	-204
Flake (AZ)	Lake Mead	AZ/NV	19,585	18,480	-1,105
Flake (AZ)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Franken (MN)	Voyageurs National Park	MN	4,200	3,971	-229
Franken (MN)	Mississippi National River and Scenic Area	MN	1,988	1,884	-104
Franken (MN)	Saint Croix National Scenic River and Lower Saint Croix National Scenic River	MN/WI	3,939	3,725	-214
Gardner (CO)	Curecanti National Recreation Area	CO	4,349	4,104	-245
Gardner (CO)	Dinosaur National Monument	CO	3,778	3,569	-209
Gardner (CO)	Great Sand Dunes National Park and Preserve	CO	2,340	2,212	-128
Gardner (CO)	Mesa Verde National Park	CO	6,507	6,153	-354
Gardner (CO)	Rocky Mountain National Park	CO	12,738	12,042	-696
Heinrich (NM)	Carlsbad Caverns	NM	5,815	5,474	-341
Heinrich (NM)	Pecos National Historical Park	NM	2,221	2,095	-126
Heinrich (NM)	Chaco Culture National Historical Park	NM	2,054	1,939	-115
Heinrich (NM)	Valles Caldera National Preserve	NM	3,348	3,153	-195
Hirono (HI)	Haleakala NP	HI	5,585	5,277	-308
Hirono (HI)	Hawaii Volcanoes NP	HI	7,856	7,430	-426
Hirono (HI)	Kalaupapa NHP	HI	4,511	4,256	-255
Hirono (HI)	World War II Valor in the Pacific NM	HI	3,621	3,418	-203
Hoeven (ND)	Theodore Roosevelt National Park	ND	2,937	2,781	-156
King (ME)	Acadia National Park	ME	8,129	7,684	-445
King (ME)	Katahdin Woods and Waters National Monument	ME	0	180	180
Lee (UT)	Zion National Park	UT	7,722	7,298	-424
Lee (UT)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Lee (UT)	Bryce Canyon National Park	UT	3,323	3,138	-185
Lee (UT)	Mormon Pioneer National Heritage Area (grant)	UT	299	0	-299
Lee (UT)	Mormon Pioneer National Historical Trail	UT	244	227	-17
Lee (UT)	Arches National Park	UT	1,968	1,859	-109
Lee (UT)	Canyonlands National Park	UT	6,322	5,972	-350
Lee (UT)	Capitol Reef National Park	UT	2,392	2,263	-129
Lee (UT)	Glen Canyon National Recreation Area	AZ/UT	11,780	11,112	-668
Manchin (WV)	Harpers Ferry National Historical Park	MD/VA/WV	6,742	6,382	-360
Manchin (WV)	New River Gorge National River	WV	7,561	7,144	-417
Manchin (WV)	National Coal Heritage Area (grant)	WV	299	0	-299
Masto (NV)	Lake Mead	AZ/NV	19,585	18,480	-1,105
Masto (NV)	Death Valley National Park	CA/NV	8,868	8,366	-502
Masto (NV)	Great Basin National Park	NV	2,794	2,641	-153
Masto (NV)	Death Valley National Park	CA/NV	8,868	8,366	-502
Murkowski (AK)	Katmai National Park	AK	4,319	4,070	-249
Murkowski (AK)	Kenai Fjords National Park	AK	4,058	3,827	-231
Murkowski (AK)	Denali National Park	AK	14,603	13,779	-824
Murkowski (AK)	Wrangell-St. Elias National Park	AK	5,764	5,764	0
Murkowski (AK)	Kenai Mountains-Turnagain Arm National Heritage Area (grant)	AK	299	0	-299
Murkowski (AK)	Glacier Bay National Park	AK	5,063	4,789	-274
Portman (OH)	Cuyahoga Valley National Park	OH	10,836	10,236	-600
Portman (OH)	Ohio and Erie Canal National Heritage Area (grant)	OH	639	0	-639
Portman (OH)	Dayton Aviation National Historical Park	OH	2,004	1,893	-111
Portman (OH)	Perry's Victory and International Peace Memorial	OH	1,120	1,057	-63
Risch (ID)	Craters of the Moon National Monument & Preserve	ID	1,617	1,529	-88
Risch (ID)	Nez Perce National Historical Park	ID	2,586	2,438	-148
Risch (ID)	Yellowstone National Park	ID/MT/WY	35,296	33,350	-1,946
Risch (ID)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Sanders (VT)	Marsh-Billings-Rockefeller National Historical Park	VT	2,089	1,970	-119
Stabenow (MI)	Isle Royale National Park	MI	4,614	4,352	-262
Stabenow (MI)	Pictured Rocks National Lakeshore	MI	2,715	2,566	-149
Stabenow (MI)	Sleeping Bear Dunes National Lakeshore	MI	4,290	4,058	-232
Strange (AL)	Natchez Trace Parkway, Brices Cross Roads NBS, Tupelo NB	MS/AL/TN	11,671	11,013	-658
Wyden (OR)	Crater Lake National Park	OR	5,442	5,141	-301

List of Parks by Member for SIERA Subcommittee					
SIERA Member	National Park Service Unit	State	FY 2017 C	FY 2018 Reque	Change
Alexander (TN)	Natchez Trace Parkway, Brices Cross Roads NBS, Tupelo NB	MS/AL/TN	11,671	11,013	-658
Alexander (TN)	Great Smoky Mountains National Park	NC/TN	19,377	18,301	-1,076
Blunt (MO)	Jefferson National Expansion Memorial	MO	10,001	9,460	-541
Blunt (MO)	Ozark National Scenic River	MO	6,622	6,260	-362
Blunt (MO)	Wilson's Creek National Battlefield	MO	3,272	3,087	-185
Capito (WV)	Harpers Ferry National Historical Park	MD/VA/WV	6,742	6,382	-360
Capito (WV)	New River Gorge National River	WV	7,561	7,144	-417
Capito (WV)	National Coal Heritage Area (grant)	WV	299	0	-299
Cochran (MS)	Natchez National Historic Park	MS	1,925	1,808	-117
Cochran (MS)	Vicksburg National Military Park	MS	3,202	3,024	-178
Cochran (MS)	Natchez Trace Parkway, Brices Cross Roads NBS, Tupelo NB	MS/AL/TN	11,671	11,013	-658
Cochran (MS)	Gulf Islands National Seashore	MS/FL	7,287	6,870	-417
Daines (MT) /Tester (MT)	Glacier National Park	MT	13,777	13,029	-748
Daines (MT) /Tester (MT)	Little Bighorn Battlefield	MT	3,666	3,460	-206
Daines (MT) /Tester (MT)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Feinstein (CA)	Joshua Tree National Park	CA	6,233	5,891	-342
Feinstein (CA)	Golden Gate National Recreational Area	CA	26,014	24,587	-1,427
Feinstein (CA)	Lassen Volcanic National Park	CA	5,370	5,076	-294
Feinstein (CA)	Lava Beds National Monument	CA	2,365	2,234	-131
Feinstein (CA)	Mojave National Preserve	CA	5,326	5,024	-302
Feinstein (CA)	Pinnacles National Monument	CA	3,575	3,383	-192
Feinstein (CA)	Redwood National Park	CA	9,048	8,563	-485
Feinstein (CA)	San Francisco Maritime National Historical Park	CA	7,479	7,086	-393
Feinstein (CA)	Santa Monica Mountains National Recreation Area	CA	8,577	8,096	-481
Feinstein (CA)	Sequoia & Kings Canyon National Parks	CA	17,060	16,110	-950
Feinstein (CA)	Whiskeytown National Recreation Area	CA	4,393	4,153	-240
Feinstein (CA)	Yosemite NP	CA	30,910	29,164	-1,746
Feinstein (CA)	Channel Islands National Park	CA	7,523	7,106	-417
Feinstein (CA)	Death Valley National Park	CA/NV	8,868	8,366	-502
Hoeven (ND)	Theodore Roosevelt National Park	ND	2,937	2,781	-156
Leahy (VT)	Marsh-Billings-Rockefeller National Historical Park	VT	2,089	1,970	-119
McConnell (KY)	Mammoth Cave National Park	KY	6,587	6,226	-361
Merkley ((OR)	Crater Lake National Park	OR	5,442	5,141	-301
Murkowski (AK)	Katmai National Park	AK	4,319	4,070	-249
Murkowski (AK)	Kenai Fjords National Park	AK	4,058	3,827	-231
Murkowski (AK)	Denali National Park	AK	14,603	13,779	-824
Murkowski (AK)	Wrangell-St. Elias National Park	AK	5,764	5,764	0
Murkowski (AK)	(grant)	AK	299	0	-299
Murkowski (AK)	Glacier Bay National Park	AK	5,063	4,789	-274
Reed (RI)	Blackstone River Valley National Historical Park	MA/RI	927	869	-58
Reed (RI)	John H. Chafee Blackstone River Valley National Heritage Corridor	MA/RI	0	0	0
Udall (NM)	Carlsbad Caverns	NM	5,815	5,474	-341
Udall (NM)	Pecos National Historical Park	NM	2,221	2,095	-126
Udall (NM)	Chaco Culture National Historical Park	NM	2,054	1,939	-115
Udall (NM)	Valles Caldera National Preserve	NM	3,348	3,153	-195
Van Hollen (MD)	Antietam National Battlefield	MD	3,543	3,351	-192
Van Hollen (MD)	Assateague Island National Seashore	MD	5,411	5,095	-316
Van Hollen (MD)	Catoctin Mountain Park	MD	3,393	3,204	-189
Van Hollen (MD)	Fort McHenry NM & Historic Shrine	MD	2,586	2,438	-148
Van Hollen (MD)	Harpers Ferry National Historical Park	MD/VA/WV	6,742	6,382	-360

List of Parks by Member for House Natural Resources Committee Members					
HNR Member	National Park Service Unit	State	FY 2017 C	FY 2018 Request	Change
Bergman (MI)	Isle Royale National Park	MI	4,614	4,352	-262
Bergman (MI)	Pictured Rocks National Lakeshore	MI	2,715	2,566	-149
Bergman (MI)	Sleeping Bear Dunes National Lakeshore	MI	4,290	4,058	-232
Bishop (UT)	Zion National Park	UT	7,722	7,298	-424
Bishop (UT)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Bishop (UT)	Bryce Canyon National Park	UT	3,323	3,138	-185
Bishop (UT)	Mormon Pioneer National Heritage Area (grant)	UT	299	0	-299
Bishop (UT)	Mormon Pioneer National Historical Trail	UT	244	227	-17
Bishop (UT)	Arches National Park	UT	1,968	1,859	-109
Bishop (UT)	Canyonlands National Park	UT	6,322	5,972	-350
Bishop (UT)	Capitol Reef National Park	UT	2,392	2,263	-129
Bishop (UT)	Glen Canyon National Recreation Area	AZ/UT	11,780	11,112	-668
Bordallo (Guam)	War in the Pacific NHP	Guam	1,593	1,504	-89
Brown (MD)	Antietam National Battlefield	MD	3,543	3,351	-192
Brown (MD)	Assateague Island National Seashore	MD	5,411	5,095	-316
Brown (MD)	Catoctin Mountain Park	MD	3,393	3,204	-189
Brown (MD)	Fort McHenry NM & Historic Shrine	MD	2,586	2,438	-148
Brown (MD)	Harpers Ferry National Historical Park	MD/VA/ WV	6,742	6,382	-360
Cheney (WY)	Yellowstone National Park	MT/WY /ID	35,296	33,350	-1,946
Clay (MO)	Jefferson National Expansion Memorial	MO	10,001	9,460	-541
Clay (MO)	Ozark National Scenic River	MO	6,622	6,260	-362
Clay (MO)	Wilson's Creek National Battlefield	MO	3,272	3,087	-185
Gohmert (TX)	N/A	TX			0
Gonzalez-Colon (PR)	San Juan National Historical Site	Puerto Rico	3,505	3,316	-189
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Grand Canyon NP	AZ	21,546	20,361	-1,185
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Organ Pipe Cactus NM	AZ	4,460	4,213	-247
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Petrified Forest NP	AZ	3,589	3,390	-199
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Saguaro NP	AZ	3,690	3,486	-204
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Canyon de Chelly NM	AZ	2,034	1,921	-113
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Lake Mead	AZ/NV	19,585	18,480	-1,105
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Hanabusa (HI)	Haleakala NP	HI	5,585	5,277	-308
Hanabusa (HI)	Hawaii Volcanoes NP	HI	7,856	7,430	-426
Hanabusa (HI)	Kalaupapa NHP	HI	4,511	4,256	-255
Hanabusa (HI)	World War II Valor in the Pacific NM	HI	3,621	3,418	-203
Hice (GA)	Chickamauga & Chattanooga National Military Park	GA	3,406	3,219	-187
Hice (GA)	Cumberland Island National Seashore	GA	2,964	2,795	-169
Hice (GA)	Martin Luther King, Jr National Historic Site	GA	4,271	4,017	-254
Hice (GA)	Chattahoochee River National Recreation Area	GA	3,521	3,324	-197
Johnson (LA)	New Orleans Jazz National Historical Park	LA	1,304	1,231	-73
Johnson (LA)	Jean Lafitte National Historical Park & Preserve	LA	5,611	5,299	-312
Labrador (ID)	Craters of the Moon National Monument & Preserve	ID	1,617	1,529	-88
Labrador (ID)	Nez Perce National Historical Park	ID	2,586	2,438	-148
Labrador (ID)	Yellowstone National Park	ID/MT/W Y	35,296	33,350	-1,946
Labrador (ID)	Yellowstone National Park	MT/WY/I D	35,296	33,350	-1,946
LaHood (IL)	Lincoln Home National Historic Site	IL	2,842	2,690	-152
Lamborn (CO) / Tipton (CO)	Curecanti National Recreation Area	CO	4,349	4,104	-245
Lamborn (CO) / Tipton (CO)	Dinosaur National Monument	CO	3,778	3,569	-209
Lamborn (CO) / Tipton (CO)	Great Sand Dunes National Park and Preserve	CO	2,340	2,212	-128
Lamborn (CO) / Tipton (CO)	Mesa Verde National Park	CO	6,507	6,153	-354
Lamborn (CO) / Tipton (CO)	Rocky Mountain National Park	CO	12,738	12,042	-696

List of Parks by Member for House Natural Resources Committee Members					
HNR Member	National Park Service Unit	State	FY 2017 CR	FY 2018 Request	Change
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Joshua Tree National Park	CA	6,233	5,891	-342
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Golden Gate National Recreational Area	CA	26,014	24,587	-1,427
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Lassen Volcanic National Park	CA	5,370	5,076	-294
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Lava Beds National Monument	CA	2,365	2,234	-131
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Mojave National Preserve	CA	5,326	5,024	-302
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Pinnacles National Monument	CA	3,575	3,383	-192
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Redwood National Park	CA	9,048	8,563	-485
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	San Francisco Maritime National Historical Park	CA	7,479	7,086	-393
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Santa Monica Mountains National Recreation Area	CA	8,577	8,096	-481
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Sequoia & Kings Canyon National Parks	CA	17,060	16,110	-950
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Whiskeytown National Recreation Area	CA	4,393	4,153	-240
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Yosemite NP	CA	30,910	29,164	-1,746
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Channel Islands National Park	CA	7,523	7,106	-417
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Death Valley National Park	CA/NV	8,868	8,366	-502
Pearce (NM)	Carlsbad Caverns	NM	5,815	5,474	-341
Pearce (NM)	Pecos National Historical Park	NM	2,221	2,095	-126
Pearce (NM)	Chaco Culture National Historical Park	NM	2,054	1,939	-115
Pearce (NM)	Valles Caldera National Preserve	NM	3,348	3,153	-195
Radewagen (A. Samoa)	National Park of American Samoa	American Samoa	2,009	1,886	-123
Rouzer (NC)	Great Smoky Mountains National Park	NC/TN	19,377	18,301	-1,076
Rouzer (NC)	Blue Ridge Parkway	NC/VA	16,189	15,309	-880
Rouzer (NC)	Cape Hatteras Group - Cape Hatteras NS, Fort Raleigh NHS, Wright Brothers NM	NC	9,797	9,241	-556
Rouzer (NC)	Cape Lookout National Seashore	NC	2,541	2,401	-140
Sablan (N. Marianas)	American Memorial Park	Northern Mariana Islands	1,577	1,490	-87
Thompson (PA)	N/A				0
Tsongas (MA)	Adams National Historical Park	MA	2,506	2,364	-142
Tsongas (MA)	Boston National Historical Park	MA	9,359	8,834	-525
Tsongas (MA)	Cape Cod National Seashore	MA	7,713	7,288	-425
Tsongas (MA)	Lowell National Historical Park	MA	8,476	8,005	-471
Tsongas (MA)	Minute Man National Historical Park	MA	2,856	2,698	-158
Tsongas (MA)	Salem Maritime National Historic Site	MA	2,570	2,425	-145

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Webster (FL) / Soto (FL)	Gulf Islands National Seashore	MS/FL	7,287	6,870	-417
Westerman (AR)	Buffalo National River	AR	5,897	5,578	-319
Westerman (AR)	Little Rock Central High School NHS	AR	982	926	-56
Westerman (AR)	Hot Springs NP	AR	4,639	4,384	-255
Wittman (VA) / Beyer (VA) / McEachin (VA)	Colonial National Historical Park	VA	6,851	6,465	-386
Wittman (VA) / Beyer (VA) / McEachin (VA)	Fredericksburg & Spotsylvania National Military Park	VA	4,529	4,288	-241
Wittman (VA) / Beyer (VA) / McEachin (VA)	Harpers Ferry National Historical Park	MD/VA/W V	6,742	6,382	-360
Wittman (VA) / Beyer (VA) / McEachin (VA)	Manassas National Battlefield Park	VA	3,204	3,028	-176
Wittman (VA) / Beyer (VA) / McEachin (VA)	Petersburg National Battlefield	VA	3,449	3,265	-184
Wittman (VA) / Beyer (VA) / McEachin (VA)	Prince William Forest Park	VA	3,496	3,303	-193
Wittman (VA) / Beyer (VA) / McEachin (VA)	Richmond National Battlefield Park	VA	3,227	3,052	-175
Wittman (VA) / Beyer (VA) / McEachin (VA)	Shenandoah National Park	VA	12,264	11,593	-671
Wittman (VA) / Beyer (VA) / McEachin (VA)	Wolf Trap National Park	VA	4,188	3,962	-226
Young (AK)	Katmai National Park	AK	4,319	4,070	-249
Young (AK)	Kenai Fjords National Park	AK	4,058	3,827	-231
Young (AK)	Denali National Park	AK	14,603	13,779	-824
Young (AK)	Wrangell-St. Elias National Park	AK	5,764	5,764	0
Young (AK)	Kenai Mountains-Turnagain Arm National Heritage Area (grant)	AK	299	0	-299
Young (AK)	Glacier Bay National Park	AK	5,063	4,789	-274

Offsetting Collections (Offshore Oil and Gas)

Q. The last several years, the Subcommittee has faced a challenge in filling the gap in dropping offshore collections from rental receipts and other fees. What can we do to prevent this?

A.

- Offsetting collections from oil and gas activities rise and fall with the economy and the price of oil and gas
- Makes it difficult for Bureaus relying on this revenue to sustain program operations
- This budget increases appropriations for BOEM and BSEE to adjust for anticipated declines in revenue (*BOEM +\$35 million, BSEE +\$4.5 million*)
- Same problem with onshore oil and gas permit fee revenue
- Remains a challenge as long as oil and gas activity is low – Working to boost revenue

Paris Agreement

Q. What are your thoughts on the President's decision to remove us from the Paris Agreement on climate change?

A.

- America's energy and economic destiny is up to the United States, not the United Nations
- We should use our resources responsibly to our advantage
- Advancements in technology and smart regulations will allow our nation to become energy dominant while continuing to lower emissions
- I am committed to protecting and creating jobs, supporting an all-of-the-above energy approach that includes coal, and creating policies that build our economy

PILT

Q. Does this budget support Payments in Lieu of Taxes?

A.

- Includes \$397 million for 2018 PILT payments
- Budgets for PILT in the discretionary budget request
- PILT provides a share of budget savings –
 - PILT funding is 12 percent below the 2016 level – this is the same percentage of savings from Interior programs

Q. Do you have an estimate of cost to fully fund the FY 2018 PILT Payments?

A.

- We are getting ready to announce the FY 2017 PILT payments
- Difficult to estimate – depends on reauthorization of Secure Rural Schools funding before September 30
- SRS payments reduce what is covered by PILT—No SRS payments in FY 2017 equals higher PILT requirements in FY 2018
- To give you an idea – a rough estimate adjusting for timber payments on FY 2016 requirements showed a swing of slightly over \$100 million
- Can provide an estimate for the record

Reorganization

Q. What are your plans for reorganizing the Department of the Interior?

A.

- Trying to push more authority out to the field and reorganize Interior for the first time in 100 years
- Looking at joint management areas – based on ecosystems where possible
 - Bureaus now have different regional boundaries and service areas
- Mirror joint commands in the military – similar to how we fight wildfires through the National Interagency Fire Center
- Reduce permitting hurdles – improve focus on regional issues – better use of resources appropriated for ecosystem specific work
- Part of Administration's broader reform effort – proposals considered with the FY 2019 budget

Q. You were recently quoted as saying the staffing shifts would not cost money or need Congressional approval, is that accurate?

- First, of course we would consult with Congress, as required
- I am sharing the concept to start discussion
- My comments were about whether we would need specific legislation to implement – and at this point I don't think so
- It's too early for a discussion about costs or savings

Revenue

Q. What are the revenue assumptions in this budget?

A.

- Budget boosts revenue for the Treasury – calling for legislative proposals to raise \$5.8 billion over ten years
 - Includes proposal to open the Arctic National Wildlife Refuge for development
- Revenue generated by Interior dropped \$17 billion since 2008 – \$26 billion in 2008 to \$9 billion in 2016.
- The estimate for 2018 is \$11.2 billion
- Taking a look at fee programs
 - Budget proposes to permanently reauthorize recreation fee program
 - Collect nearly \$290 million annually
 - Can do more
 - Only 120 out of 400+ national park sites charge an entrance fee
- Want to look at revenue held at Treasury
 - At the end of last year there was:
 - Over \$20 billion in the Land and Water Conservation Fund
 - Close to \$13 billion in the Reclamation Fund

Rural Water

Q. Your budget for Rural Water projects is 45% below what Congress appropriated in 2017. What is the rationale for this cut when partners have contributed fully and are waiting for the federal government to keep pace?

A.

- Budget includes \$46 million for Rural Water projects (*\$-37 million*)
- Agree – important to the West
- Highest priority – keep delivering potable water to rural areas – can’t cut them off – includes \$20 million
- Includes \$26 million for construction
- Project funding considers –
 - commitment from partners,
 - urgency of the situation,
 - economic impact,
 - watershed needs, and
 - trust responsibilities to Tribes

Sage-grouse

Q. What is in this budget to continue Sage-grouse conservation activities?

A.

- There is \$57 million to continue to work on the sage landscape – maintain commitment to the sage habitat

Q. Are you planning to change the Sage-grouse land use management plans finalized in 2015?

A.

- I want to manage the Sage-grouse in the context of all the other decisions regarding stewardship of these lands
- My desire is to avoid listing – I want to work with partners to do this
- Want to cooperate with states and partners on 2015 Sage-grouse Plans
- Set up an interagency team to address principal wildlife threats – look at creative approaches – review plans to balance energy objectives

Q. What is the future of the sage brush focal areas?

- The Secretarial Order directs the BLM to evaluate these areas

Q. The budget for Sage-grouse has been about \$70 million but a portion went to hire biologists in D.C. Wouldn't this be better spent for on the ground work in the States?

A.

- My priority is work on-the-ground – highest payoff is in the field
- New hiring related to Sage-grouse has occurred only at the State and field levels
- BLM uses a small percentage of the overall Sage-grouse funding to support program management in Washington

Science

Q. You recently said “investment in research and development and investing in our science community” is important, yet there big cuts in Bureau science programs in addition to the USGS? What is the strategy?

A.

- The budget prioritizes applied research and development supporting Interior’s mission
- Across Interior, this budget proposes over \$816 million for research and development – about eight percent of the total budget request
- This is similar to the proportion of R&D in recent budgets
- R&D in the U.S. Geological Survey accounts for almost 70 percent of the Department’s total – they are Interior’s premiere science organization

Note:

Research and Development across Interior (*\$816 million, -\$179 million from 2017*)

USGS Funding (*\$922 million, -\$138 million from 2017*)

Senior Executive Service (SES) Employees

Q. Last week, it was announced by press that you are reassigning dozens of qualified career officials to new positions out in the field. This creates a culture of intimidation with your senior executives.

Did you consult with these people before you announced their relocation? How does this serve the Department when you are short-staffed in your leadership ranks?

A.

- Since my first day at Interior, I have been upfront about my commitment to reorganizing the Department
- I want to refocus our efforts to putting boots on the front line
- My priority is to restore trust and be a better neighbor – this means having our staff close to the ground to deal with issues directly
- These changes are being done to better serve the taxpayer and Interior's operations

Sexual Harassment

Q. What are you doing to address the problem of sexual harassment at Interior?

A.

- I have made it very clear to my employees – I won't tolerate sexual harassment, discrimination or retaliation
- Reported incidents are being fully investigated with confidentiality
- If harassment is substantiated – immediate and appropriate action is taken
- Any employee found to have committed sexual harassment, discriminatory behavior, or any other harassing or retaliatory behavior will be subjected to disciplinary and/or adverse action

SNPLMA - Southern Nevada Public Land Management Act

Q. Why are you cutting the SNPLMA program?

A.

- Propose \$230 million savings from SNPLMA balances over 3 years -- \$77 million each year
- Doesn't end the SNPLMA program – it continues
- Rate at which funds go out has steadily declined from \$223 million in 2012 down to \$23 million in 2016

Note:

- At the end of FY 2016, the program had \$542 million in unobligated carryover balances

Timber

Q. Will you be able to fully meet the implementation level in the O&C Timber Resource Management Plans?

A.

- Meet requirements of the Resource Management Plans – not full implementation
- Budget supports 205 million board feet – comparable to estimated 2017 offer (*208 MMBF total, includes 205 MMBF ASQ*)
- No timeframe for full implementation in plans
- Full implementation increases volume offered to 278 million board feet

	2018 Req	Change
Timber Programs	\$149	-21
BLM-Public Domain Forestry	\$10	-
BLM- O&C Forestry	\$90	-18
BIA - Indian Forestry	\$49	-3

USGS Funding

Q. Why are you reducing popular USGS programs such as Landscapes (such as Chesapeake, and Everglades), Volcano Monitoring, or Water Resources?

A.

- We are funding core USGS science – important to land managers

Landscapes

- *Chesapeake* - The 2018 request for USGS work in the Chesapeake Bay Ecosystem is \$6.8 million, a significant component of the larger \$24 million for the Chesapeake across DOI.
- *Everglades* - The 2018 request for USGS work in the Everglades is \$2.9 million

Volcano Monitoring

- The 2018 budget includes \$22.4 million for the Volcano Hazards program for forecasts and warnings of hazardous volcanic activity with the current monitoring networks

Water Resources

- The 2018 budget includes \$173 million for USGS Water Resources programs
- Includes \$74.5 million (-\$16 million) for the *National Water Quality Program*
- Sustains funding for streamgages
- Eliminates the *Water Resources Research Act Program* (-\$6.5 million) – allows USGS to focus remaining resources on core responsibilities

Wild Horses and Burros

Q. What is Interior's plan for the Wild Horse and Burro program?

A.

- I love horses and I want to see them treated humanely
- The current program is financially unsustainable – new approach needed
- Program costs more than doubled in eight years – \$36 million in 2008 to \$80 million in 2017 – Consumed by the cost to care for excess animals off-range
- Propose to eliminate bill language restricting use of all management options authorized in the Wild Free-Roaming Horse and Burro Act
- Enable BLM to manage on-range herds more effectively and humanely – focus on caring for healthy and adoptable animals off-range

Q. You're proposing to launch a new Wild Horse and Burro policy with a \$10 million program reduction. How would that work?

A.

- We're asking the Subcommittee to remove restrictive language in the bill to give BLM more flexibility to reduce the numbers of animals held off the range
- Some savings (*about \$4.0 million*) would come from unrestricted sales
- The program would also reduce gathers and other activities

Note:

- Budget proposes to remove the following language from the Interior Appropriations bill –
 - *“Appropriations herein made shall not be available for the destruction of healthy, unadopted wild horses and burros in the care of the Bureau or its contractors for the sale of wild horses and burros that results in their destruction for processing into commercial products.”*

Wildlife Trafficking

Q. What is the Department doing to continue efforts to fight illegal wildlife trafficking?

A.

- Budget includes \$7.5 million, equal to the 2017 level, to combat illegal wildlife trafficking in FWS' Law Enforcement Program

To: Amy Holley[amy_holley@ios.doi.gov]
Cc: Olivia Ferriter[olivia_ferriter@ios.doi.gov]; Denise Flanagan[Denise_Flanagan@ios.doi.gov]
From: Moss, Adrienne
Sent: 2017-07-13T15:07:16-04:00
Importance: Normal
Subject: Fwd: Electronic Copy?
Received: 2017-07-13T15:07:56-04:00
[FINAL 6 18 Set Core Set of Hearing Qs and As.docx](#)
[FINAL Index of Questions and Answers 6 19.docx](#)

Amy,

Attached are the Qs and As used for the Secretary's hearing prep. It is the whole universe and you'll want to cull through them. Also attached is the index if you need that as well.

Let me know if you have questions.

----- Forwarded message -----

From: **Olivia Ferriter** <olivia_ferriter@ios.doi.gov>
Date: Thu, Jul 13, 2017 at 2:31 PM
Subject: Re: Electronic Copy?
To: "Holley, Amy" <amy_holley@ios.doi.gov>
Cc: Denise Flanagan <Denise_Flanagan@ios.doi.gov>, Adrienne Moss <adrienne_moss@ios.doi.gov>

Copying Adrienne too. They are tied up at least until 3 with Jim.

Sent from my iPhone

> On Jul 13, 2017, at 2:23 PM, Holley, Amy <amy_holley@ios.doi.gov> wrote:

>

> OCL is wondering if they could get an electronic copy of the Q&A given to the Secretary for his Budget Hearing(s). It was titled "Index to Questions and Answers"? It is for the ASPMB nominee to prepare her for her hearing....

Advisory Committees/RACs Review

Q. I've had complaints from my constituents about advisory committees, particularly Resources Advisory Committees (RACs), being reviewed and on hold until September.

Why are you reviewing these? Are you trying to public stifle participation?

A.

- Interior currently has more than 200 boards, committees, and other internal and external advisory groups
- Some of these committees haven't met in 8 years, and others have not had sufficient turnover or have unfulfilled positions. There are even some who were not compliant with their charters
- I asked for a review to ensure 1) the Department receives maximum feedback from these boards and 2) they are compliant with the Federal Advisory Committee Act (FACA)
- As boards are reviewed, we will provide notice of future meetings so we can continue to receive and benefit from helpful input from local communities on public land management issues

Arctic National Wildlife Refuge

Q. Why is the Administration proposing to open the Arctic National Wildlife Refuge to oil and gas drilling?

A.

- ANWR's 1002 area is the country's best prospect for oil and gas
- Congress recognized the 1002's potential and segregated it for further study
 - Congress makes the decision on drilling
- Last resource evaluation in 1998
- Previous estimates range from 7 to 10 billion barrels
- Secretarial Order calls for a plan to update key Alaska resource assessments including the 1002 area

Q. What are the benefits if enacted?

A.

- Three important benefits –
 - Increased national energy security
 - Revenue for the Treasury – deficit reduction
 - \$3.5 billion over ten years shared with Alaska
 - American jobs and economic growth – Trans Alaska Pipeline (TAPS)
 - TAPS is at roughly 1/4 of capacity right now –558,000 barrels
 - can accommodate 2.1 million
 - Oil revenue was about 90 percent of Alaska's budget in 2014
 - California more reliant on foreign crude for refining – foreign sources supplied 54% in 2016 – up from 26% in 2000 – because of drop in Alaska oil

Asian Carp

Q. What is the Department doing to control the spread of Asian Carp? What is currently funded for this and what is proposed in FY 2018?

A.

- Interior is using eDNA – to detect traces of carp and monitor their movements
- Focus is on preventing Asian carp from reaching the Great Lakes
- The budget includes \$13.5 million to combat Asian carp – level with 2017

Budget General

Q. Is this a budget you can support?

A.

- Yes – this budget makes tough choices but funds our top priorities
- Balances America's budget by 2027
- Saves \$1.6 billion – with 12 percent savings from lower priorities
- Priorities:
 - Advance national policies
 - Energy (Total \$791 million, +\$16 million)
 - Infrastructure (\$766 million for NPS construction and maintenance, +\$35 million)
 - Focus on Interior's mission
 - Resource stewardship (\$4.4 billion for land management operations)
 - Trust responsibilities (\$2.5 billion for Indian Affairs)
- Savings:
 - Lower priorities
 - Federal land acquisition (-\$129 million)
 - Duplicative or overlapping activities
 - Abandoned Mine Lands Development Grants (-\$90 million)
 - Activities where partners can step in
 - Heritage Partnership Programs (-\$19 million)
- Generating revenue
 - Budget proposes \$5.8 billion for the Treasury over 10 years

Cadiz

Q. Are you planning to overturn policies regarding the use of railroad rights-of-way that would allow the Cadiz project to move forward without normal environmental reviews?

A.

- The 2011 Solicitor's Opinion still stands
- It is the Department's interpretation of the General Railroad Rights of Way Act of 1875
- There are broader infrastructure policy issues on the use of railroad rights-of-way across the country
- We will look at these issues
- A long-term solution is important to achieve our national infrastructure objective

Q. Estimates from the USGS and NPS on natural water recharge in the area are much lower than Cadiz's. I am concerned the Cadiz project would deplete the aquifer and destroy the desert. Are you aware of these estimates?

A.

- Yes. Understand the USGS has not updated its research on this since 2000
- The NPS used this data in its 2012 review
- USGS has offered to evaluate scientific studies with higher estimates

Note:

Received a letter from Senator Feinstein, May23, sharing this information and opposing any efforts to revisit the current Solicitor's opinion on Railroad Rights of Way.

Climate

Q. How did climate programs fare in this budget?

A.

- Interior manages about 20 percent of America's lands – our employees adapt our management to address changing conditions
- Focuses core science support in the U.S. Geological Survey – eliminates duplicative programs in FWS
- Prioritizes water availability, invasive species, and fire management

Note:

The Cooperative Landscape Conservation funding crosscut tracks a set of programs identified as “climate.”

2018 budget proposes *\$31 million for climate programs, \$130 million below the FY 2017 CR level*

Coal

Q. What does this budget do for coal country?

A.

- Supports coal development
 - Increase in BLM to meet coal application processing needs
 - *(\$19 million, +\$8 million)*
- Supports State regulatory programs for surface mine reclamation in-line with State and tribal requirements
 - *(\$60 million, -\$8 million)*
- This budget supports coal country
 - Provides full access to mandatory Abandoned Mine Land payments – including to certified States
 - Mandatory AML payments – scheduled to increase in FY 2018
(\$322 million, +\$51 million)
 - Maintains the current AML fee structure on coal production

Coal Moratorium/Coal Royalty

Q. The Department unlawfully ended the coal moratorium and postponed the coal royalty valuation rule. You promised you were going to follow the law, but your actions contradict that commitment. Why are you favoring coal interests?

A.

- I support an all-of-the-above energy approach, and that includes coal
- Public interest was not served by halting the federal coal program
- The President has tasked me to promote energy independence, which means promoting America's energy dominance as a matter of national security
- The budget continues to support funding for renewable energy resource development in line with anticipated industry interest (*\$78 million, -\$19 million*) – shows all energy is important to Interior

Critical/Rare Earth Minerals

Q. What is in the budget for Critical or Rare Earth Metals?

A.

- Budget includes level funding \$1.1 million in the USGS for this work

Delta Smelt

Q. What is the status of efforts to raise Delta Smelt in hatcheries to address ESA concerns?

A.

- FWS is working with the State, the National Marine Fisheries Service, and the Bureau of Reclamation to plan for new facilities and evaluate the feasibility and success of supplementing native fish with captive-bred Delta Smelt
- EIS Preferred alternative – construct an Estuarine Research Station and a Fish Technology Center at the former Rio Vista Army Reserve Center
- Wet conditions this year have been good for the Delta smelt
- They estimate there were 48,000 adult Delta smelt in January and February 2017 -- much higher than the 2016 estimate of 16,000 adult Delta smelt

Document Requests

Q. The White House and Department of Justice has said Departments do not have to respond to document requests initiated by Democrats.

Does the Department share this commitment to secrecy? Will you commit to sharing documents with all parties?

A.

- Interior is committed to transparency and complying with requests in a manner that is consistent with the Freedom of Information Act (FOIA)

EAJA/ESA Payments

Q. How much has Interior spent on Equal Access to Justice Act and Endangered Species Act requirements?

A.

- Interior spent \$2 million in 2015 and a little over \$1 million in 2016 on EAJA payments
- Interior spent close to \$1 million in 2015 and under a \$100,000 in 2016 on payments associated with ESA cases for attorney fees and court costs

ESA – Status of Backlogs

Q. What is the current backlog for the 5 year reviews of endangered species?

A.

- There are 1,579 listed species
 - 31% (489) have current 5 year reviews
 - 16% (251) don't require reviews yet – haven't been listed for 5 years
 - 53% (839) have no review or an out of date one
- FWS has about 600 reviews in progress – can be complex and take more than a year to complete

Q. What is the backlog on recommendations to downlist or delist species?

A

- There are 49 species eligible for down (26) or delisting (23)
 - 12 have been formally proposed for action in the Fed Register to down or delist
 - Another 12 are planned
 - 25 await action

Earthquake Early Warning

Q. The budget zeroes out funding for Shake Alert. Why? Do you intend to execute this program fully?

A.

- Budget prioritizes support for the core USGS Earthquake program (\$51 million, -\$9 million)
 - Protects core seismic monitoring across the United States
 - Continues damage assessments – support to first responders where there is high earthquake risk
- I understand the importance of this program to the States
- Budget makes a tough choice to support the core Earthquake program
- Yes. We will fully execute the program as appropriated in FY 2017

Energy

Q. What is in this budget for energy programs?

A.

- Supports all-of-the-above energy program
- Includes increases for oil and gas development on and offshore
 - Improves permitting and energy related rights of way
 - Plans for new 5-year offshore leasing plan (+\$10 million)
- Supports renewable energy on and offshore – meets anticipated demand
 - (\$78 million, -\$19 million – mostly onshore)
- Boosts Coal development programs
 - Improve coal application processing
 - (\$19 million, +\$8 million)
- Maintains revenue collection programs – safeguards return to taxpayers for use of America's resources
 - (\$138 million, -\$3 million)

Note:

(\$ in millions)	FY 2018	Change from FY 2017 CR
Energy	\$748	+\$9
Renewables	\$78	-\$19
Conventional Energy	\$1,046	+\$54
Oil and Gas	\$513	+\$23
Offshore	\$343	+\$7
Onshore	\$170	+\$15
Coal	\$19	+\$8
Revenue and Compliance (ONRR)	\$138	-\$3

Energy – New 5 Year Plan

Q. What is the status of the new 5 Year OCS Oil and Gas Leasing Program?

A.

- President's EO directs new 5 year plan – about 2 years ahead of schedule
- Whole process takes about 2 and a half to 3 years
- Taking first step soon – first Federal Register notice asking for information and comments
- Will consider leasing offshore Alaska, the Mid-Atlantic, South Atlantic, and the Gulf of Mexico

Note:

- The Cook Inlet oil and gas lease sale (244) is scheduled for June 21, day of Senate Interior hearing

Fire**Q. What is in the budget for Wildland Fire Management?**

A.

- Responsible budget for Wildland Fire Management
- No fire cap adjustment proposal – straight appropriations
- Fully funds the ten year average for fire suppression
- Maintains preparedness levels
- Supports Fuels Management activities (\$150M)

Note:

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Wildland Fire Management	\$874	-\$118
Preparedness	\$322	-\$1
Suppression	\$389	-\$78
Fuels Management	\$149	-\$20
Other Operations	\$12	-\$19

Fire

Q. Do you support the fire cap adjustment proposal?

A.

- I think we need to find a long-term solution – want to work with you on this
- Catastrophic fire years are not predictable – they don't wait for the budget
- Current system –
 - Ties up appropriations waiting for bad fire year
 - Or, we put other programs at risk to fund emergencies

Gag Order

Q. Does the Department have a gag order on employees responding to requests from Democrats?

A.

- No, I can say with certainty there is no gag order in place at the Department
- I have made myself directly available to you since I became Secretary and will continue to listen to all issues, regardless of party
- The Department is working to respond to both Democrat and Republican letters and requests in a manner that is informative and timely

GOMESA Legislative Proposal

Q. What does the GOMESA legislative proposal do?

A.

- Ensures all States share in OCS revenue
- Redirects all GOMESA revenue to the Treasury – including revenue slated for four Gulf States (AL, LA, MS, and TX)
- Brings an estimated \$3.6 billion over ten years to the Treasury
- If unchanged, GOMESA lease revenue for these four States expands from \$1 million in 2017 to \$272 million – and climbs to \$375 million by 2022
- Proposal treats these leases in-line with other offshore leases
- Federal share for most OCS revenue is 100 percent – these resources belong to all Americans
- OCS lands lie outside State boundaries – Federal government is responsible for the full cost of managing these areas for safety and environment protection

Q. Onshore revenue sharing with States is 50 percent. Why shouldn't coastal States get an equal share of revenue sharing from the OCS?

A.

- Coastal States get money from energy development in waters dedicated to the States under Federal law – this proposal doesn't change that
- Coastal States also get economic benefits from energy operations in Federal waters near their coasts
- The Gulf States receive –
 - All revenue from development in State waters – 3 nautical miles from their coastline, and
 - 27 percent of revenue from leases in the 8(g) areas – another 3 miles from State waters

Grants Review

Q. I've had complaints from my constituents about delays in getting funding from the Department because of a new grants review process you have put in place.

What is this review? Is it temporary or permanent?

A.

- Interior distributes about \$5.5 billion in grants and cooperative agreements each year
- This review helps me better understand where these funds are going and how they benefit our mission
- I have seen the news reports – as I am sure you have – about certain grants such as the \$150,000 grant to document tales of supernatural phenomena in Alaska. When the National Park Service has such a huge deferred maintenance backlog, I have to wonder if that's a good use of our funds.
- That said, our grant review process is moving fairly quickly. We have reviewed at least 1,000 grants in just a month.
- Thus far, I have no major concerns and if things continue as they have – I will phase out this review
- It's not my intention to slow things down – I'm happy to follow up on any specific grants you are interested in.

Note:

Interior awards about 5,000 grants and cooperative agreements over \$100,000 annually

Hiring Controls

Q. Congress gave you a strong FY 2017 Appropriation that is well above the 2018 request. Will bureaus be able to fully execute FY 2017 funding given the hiring controls you have in place?

A.

- We are moving quickly and responsibly to execute the FY 2017 appropriation
- The hiring controls will not interfere
- Emphasis is on hiring in the field – trying to fill the front line

Q. The President's Hiring Freeze Executive Order has come to a close, yet the Department still has a hiring freeze on positions in place. This means key positions remain empty. Why did you decide to keep a freeze on jobs?

A.

- My priority is to restore trust, which means placing people where they are needed most – closest to the ground
- Both Denver and DC are top heavy, so we need to review and assess where these positions should be placed in the field
- The Department is committed to being a good neighbor and steward, and that comes with more boots on the ground

Indian Country

Q. What are your priorities for Indian Country?

A.

- Funds Indian Affairs and Special Trustee programs at \$2.6 billion
 - *(\$2.6 billion, -\$323 million or 11 percent below the 2017 CR)*
- Priority – support self-determination – honor commitments
 - Fully reimburse Tribes for delivering BIA programs – Contract Support Costs – *(\$242 million, -\$35 million)*
 - Fully reimburse Tribes for managing BIE school programs – Tribal Grant Support Costs *(\$74 million, +\$1 million)*
- Focus funding on core service activities
- Bureau of Indian Education funding
 - *(\$786 million, -\$64 million or 8 percent below 2017 CR)*
- Maintains Indian Water Settlement commitments
- Focus Construction on facility operations and maintenance – limit new construction
 - *(\$143 million, -\$50 million or 26 percent below 2017)*

Notes:

- GAO cites BIE's cost per pupil is \$15,391
- Compares to public schools nationwide average of \$9,896 without food service

Indian Education

Q. Given the funding reductions to Indian School Construction what is your strategy to improve school facilities?

A.

- Tough budget choices – Indian Affairs will focus on:
 - Deferred maintenance and repair and education outcomes
 - Work to complete school replacement construction projects in the pipeline
 - Planning and design of the 10 schools on the 2016 Replacement School list
 - Major improvement and repair projects at education facilities
 - Improving construction management practices and processes

Notes:

- GAO cites BIE's cost per pupil is \$15,391
- Compares to public schools nationwide average of \$9,896 without food service

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Indian Education	\$867	-\$122
School Programs	\$786	-\$64
Education Construction	\$80	-\$58

Indian Education – GAO High Risk

Q. GAO says 11 of 13 recommendations for improvements needed in the management of BIE schools remain unaddressed. What's being done to improve the BIE schools?

A.

- I share your commitment to improve the BIE schools
- BIE is focused on the GAO recommendations – roadmap for improvement
- Our BIE Director, Tony Dearman, committed to a culture of transparency, collaboration, and dedication to ensure success across the BIE
- Working to address each recommendation
- Priorities – service delivery to schools, ensure accountability, organizational stability

Q. When will you meet these recommendations?

A.

- Better Management and Accountability to Improve Indian Education (2013 report)
 - Implemented three of five recommendations – remaining two implemented by 2018
- Effective Oversight of BIE School Spending (2014 report)
 - Implement first two recommendations in 2018 – remaining two in mid-2019
- Safety and Health of BIE Facilities (2016 report)
 - Working with GAO to address these recommendations – focus on school inspections

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Indian Education	\$867	-\$122
School Programs	\$786	-\$64
Education Construction	\$80	-\$58

Indian Education School Construction Status

Q. What is the status of Replacement School Construction Projects from the 2004 List and the Bug O Nay GE Shig project?

2004 Replacement School list projects

- Beatrice Rafferty (ME) – Project now on accelerated schedule with concurrent school board and Indian Affairs reviews
 - Anticipate design completion in late Fall 2017
 - Construction completion expected in Fall 2019.
- Cove Day School (AZ) - In the final design stage. Construction expected to begin Fall 2017
- Little Singer Community School (AZ) - Split project into two separate contracts -- academic buildings and housing quarters
 - Site clearing and grading is in progress for housing.
 - Academic buildings is in the final design phase – expect construction contract award in late Fall 2018

Replacement Facility Project

- Bug O Nay Ge Shig (MN) - Construction is underway – design/build contract was awarded in January 2017.
 - Expect classes will be held in the new space for the Fall semester of the 2017-2018 academic year

10 Replacement School Projects in the Planning Phase: Blackwater Community School (AZ) , Dzilh-Na-O-Dith-Hle Community School (NM), Laguna Elementary School (NM), Lukachukai Community School (AZ), Quileute Tribal School (WA), Chichiltah-Jones Ranch Community School (NM), Crystal Boarding School (NM), Greasewood Springs Community School (AZ), T’iis Nazbas Community School (AZ), and Tonalea Redlake School (AZ)

Indian Energy – GAO High Risk

Q. GAO indicated all 14 recommendations they have made to improve the Department’s Indian Energy programs remain unaddressed. What are you doing to improve the clarity, transparency, efficiency, and skill mix of this program?

A.

- Energy development in Indian Country – important for tribal economies – supports self-determination and sovereignty
- Working to improve –
 - Ownership and resource identification
 - Integrating mapping technology into main system
 - Efficiency
 - Modifying systems –monitor review and response times for leases and agreements
 - Coordination with other entities
 - Indian Energy Service Center formalizing agreements with partners like U.S. Department of Energy – by end of 2017
 - Make clear who is responsible for what

Note:

(\$ in millions)	FY 2018	Change from FY 2017 CR
Indian Energy	\$25	\$0

Infrastructure

Q. What is in this budget to support the Administration's national infrastructure goals?

A.

- Interior plays a strong role in national infrastructure
 - FWS review for potential conflicts with endangered species
 - *(FWS planning and consultation: \$99 million, -\$2 million)*
 - BLM approves rights-of-way and other land use permits
 - *(BLM rights-of-way: part of \$16 million increase in oil and gas programs)*
 - *(BLM transmission corridors, \$5 million)*
- Manage \$300 billion Federal infrastructure portfolio – parks and refuges, roads, bridges, dams
 - Increase National Parks infrastructure *(\$766 million, +\$35 million)*
 - NPS maintenance backlog \$11 billion – 73% of Interior's total backlog – hosted nearly 324 million visitors in 2016
 - Increase maintains park maintenance – boosts construction
 - Address \$15 billion Department-wide deferred maintenance backlog – Include \$1.4 billion for construction and maintenance
 - *(\$1.4 billion, -\$41 million, includes the use of \$173 million in recreation fee revenue)*
 - Invest in Interior's water and power infrastructure in the West

Invasives

Q. What is in this budget to address invasive species?

A.

- The budget includes \$101 million for invasive species work across the Department – nearly level with 2017 *(-\$2.4 million)*
- Early response is important – Bureau of Reclamation proposes an increase *(\$10 million, +\$4.6 million)* to help get ahead of the zebra mussel threat in the West

Notes:

<i>(\$ in millions)</i>	FY 2018	Change from FY 2017 CR
Invasive Species, total	\$101	-\$2
Asian Carp	\$14	level with 2017
Quagga and Zebra Mussels	\$11	+\$4
White Nose Syndrome	\$7	-\$3

Invasive Mussels in the West

Q. What is the Department doing to address the new threat of invasive mussels in the West?

A.

- Bureau of Reclamation working closely with Western Governors, States and Tribes to keep invasive mussels from infecting the Columbia River Basin
- Currently the last major uninfected watershed in the U.S.
- Estimated economic impact to the region of full blown infestation – \$500 million annually
- Working to protect Reclamation's water and power infrastructure
- Includes almost \$12 million (*+\$4 million*) across Interior for invasive mussel work
 - Prevention, early detection and monitoring, containment and control, and research

King Cove Road

Q. What are your plans to address the need for road in King Cove?

A.

- I am committed to work with you to address this situation

Land Acquisition 2018 List

Q. The 2017 Appropriation included direction for the Department to provide the Committees with a land acquisition project list for FY 2018. Will the Department comply with that direction?

A.

- We will be responsive
- Acquisition of new lands is not a priority for Interior in FY 2018
- Our focus is on taking care of what we already have
- We will coordinate preparation of a project list with the Office of Management and Budget

Land and Water Conservation Fund

Q. Does this budget walk away from the Land and Water Conservation Fund programs?

A.

- LWCF's dedicated revenue from offshore oil and gas requires annual appropriations – subject to budget constraints
- Savings in LWCF reflects no new land acquisition
- Prioritizes taking care of what we already have
- Interior is not walking away from the principles of LWCF
- No funding for new Federal land acquisition
 - *(\$54 million, - \$129 million)*
- No funding for others to acquire new land – Cooperative Endangered Species Conservation land acquisition
 - *(\$19 million, -\$34 million)*
- Proposes to shift funding for LWCF State grants to mandatory funding – \$90 million equal to estimated new 2018 revenue from GOMESA offshore leases
 - *(\$90 million, -\$17 million; increases to \$125 million in 2022)*

Notes:

- End of 2016 balance in LWCF -- \$20.3 billion
- Authorization for LWCF expires Oct 1, 2018

Land and Water Conservation Fund

Q. Does this budget zero out funding for LWCF State grants?

A.

- No – proposes to fund State grants from mandatory funding instead of appropriations
- Currently receive revenue from GOMESA offshore leases
 - Revenue is expected to increase significantly starting in 2018 – from \$319,000 in 2016 to \$90 million in 2018
- 2018 funding allows the State grants to continue – at a reduced level
 - *(\$90 million, -\$17 million)*
- Propose legislative changes to GOMESA revenue sharing to guarantee mandatory funding for LWCF State grants comparable to expected revenue
 - Instead of relying on fluctuating revenue – would provide fixed level of \$90 million in 2018, increasing to \$125 million in 2022 and thereafter

Land Sale and Transfer

Q. What is your position on selling or transferring public lands?

A.

- I do not support the sale or large-scale transfer of our public lands
- Our treasured lands are to be maintained and preserved ‘for the benefit and enjoyment of the people’
- For small scale transfers, I want to ensure access is maintained and recreational opportunities are protected for generations to come
- With any transfer, there has to be a guarantee that the land will not be misused or sold off for development
- If you are going to divest of property, you need to invest in other properties to protect the recreational value

Memorial Bridge

Q. What is the status of funding for the Memorial Bridge?

A.

- The total cost estimated cost for the Arlington Memorial Bridge rehabilitation is \$262 million – to be funded in two phases
- Cost of the first phase is \$166 million
 - NPS received a \$90 million U.S. Department of Transportation FASTLANE grant
 - 2018 Budget includes \$18 million – reprogram \$15 million in 2017 to meet construction schedule

Methane Rule

Q. The Department recently, and quietly, announced a delay in implementing the BLM methane rule despite the fact that it is against the law to make such a delay since it became a binding rule on January 17, 2017. Postponing this rule deprives the American people of clean air and valuable revenue. How do you justify making this sort of unlawful decision?

A.

- The Department is committed to assessing the rule and all venting and flaring requirements to craft pragmatic policies
- As Secretary, I am dedicated to managing our federal lands in ways that incentivize responsible energy development
- Responsible energy development and proper conservation are not mutually exclusive goals

Monuments

Q. What is the status of your recommendation to the President on the Monuments under your review?

A.

- I am reviewing 27 monument designations
- The President's Order called for a recommendation on the Bears Ears National Monument designation within 45 days – I sent my recommendation to the President last week
- The final recommendation on Bears Ears and the other 26 monuments is due to the President 120 days from the Executive Order
- We extended the formal comment period for Bears Ears through July 10 – the same deadline for comments on the other 26 monuments
- For the Bears Ears review – I spent a lot of time on the ground in Utah – local input is absolutely critical
- Last week I went to Katahdin Woods – to with local stakeholders and tribes
- I will go through a similar process for each of the 26 where there are issues
- My job is to give the President recommendations – he makes the decision

Q. What is your criteria – Are you considering the development potential of the areas?

A.

- I consider resource development and multiple use as well as recreation and conservation considerations
- I consider the highest and best uses of the areas I've been asked to evaluate

National Heritage Areas

Q. The work of the National Heritage Areas is so important, why don't you include funding in this budget?

A.

- Need to take care of Interior's operations first
- There were higher priorities we needed to fund
- The National Heritage Areas provide economic and cultural benefits – good examples of the benefits of partnerships

Note:

- Funding for Heritage Partnership Programs which support the NHAs is eliminated in the budget – savings of \$19 million from the 2017 CR level

NPS – Impacts of Reductions in the Parks

Q. What would be the impacts of this budget on the parks? Will parks close entirely?

A.

- First, parks will seek to reduce non-personnel costs
- Strategies will vary by park
 - Could limit or close certain areas
 - Adjust operating hours and visitor services
- Not planning to close parks

Note:

- Budget reduces funding for park and program operations -\$131.8 million, and 1,198 FTE
- Overall, the budget reduces discretionary funding for the NPS by \$296.6 million, and 1,206 FTE.

NPS – Funding for Member Parks

List of Parks by Member for SENR Committee Members					
SENR Member	National Park Service Unit	State	FY 2017 C	FY 2018 Request	Change
Alexander (TN)	Great Smoky Mountains National Park	NC/TN	19,377	18,301	-1,076
Barrasso (WY)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Cantwell (WA)	Olympic National Park	WA	13,107	12,385	-722
Cantwell (WA)	Lake Roosevelt National Recreation Area	WA	6,064	5,710	-354
Cantwell (WA)	Mount Rainier National Park	WA	12,701	12,003	-698
Cantwell (WA)	North Cascades NP, Lake Chelan NRA, Ross Lake NRA	WA	7,530	7,111	-419
Cassidy (LA) / Graves (LA)	New Orleans Jazz National Historical Park	LA	1,304	1,231	-73
Cassidy (LA) / Graves (LA)	Jean Lafitte National Historical Park & Preserve	LA	5,611	5,299	-312
Daines (MT)	Glacier National Park	MT	13,777	13,029	-748
Daines (MT)	Little Bighorn Battlefield	MT	3,666	3,460	-206
Daines (MT)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Duckworth (IL)	Lincoln Home National Historic Site	IL	2,842	2,690	-152
Flake (AZ)	Canyon de Chelly NM	AZ	2,034	1,921	-113
Flake (AZ)	Grand Canyon NP	AZ	21,546	20,361	-1,185
Flake (AZ)	Organ Pipe Cactus NM	AZ	4,460	4,213	-247
Flake (AZ)	Petrified Forest NP	AZ	3,589	3,390	-199
Flake (AZ)	Saguaro NP	AZ	3,690	3,486	-204
Flake (AZ)	Lake Mead	AZ/NV	19,585	18,480	-1,105
Flake (AZ)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Franken (MN)	Voyageurs National Park	MN	4,200	3,971	-229
Franken (MN)	Mississippi National River and Scenic Area	MN	1,988	1,884	-104
Franken (MN)	Saint Croix National Scenic River and Lower Saint Croix National Scenic River	MN/WI	3,939	3,725	-214
Gardner (CO)	Curecanti National Recreation Area	CO	4,349	4,104	-245
Gardner (CO)	Dinosaur National Monument	CO	3,778	3,569	-209
Gardner (CO)	Great Sand Dunes National Park and Preserve	CO	2,340	2,212	-128
Gardner (CO)	Mesa Verde National Park	CO	6,507	6,153	-354
Gardner (CO)	Rocky Mountain National Park	CO	12,738	12,042	-696
Heinrich (NM)	Carlsbad Caverns	NM	5,815	5,474	-341
Heinrich (NM)	Pecos National Historical Park	NM	2,221	2,095	-126
Heinrich (NM)	Chaco Culture National Historical Park	NM	2,054	1,939	-115
Heinrich (NM)	Valles Caldera National Preserve	NM	3,348	3,153	-195
Hirono (HI)	Haleakala NP	HI	5,585	5,277	-308
Hirono (HI)	Hawaii Volcanoes NP	HI	7,856	7,430	-426
Hirono (HI)	Kalaupapa NHP	HI	4,511	4,256	-255
Hirono (HI)	World War II Valor in the Pacific NM	HI	3,621	3,418	-203
Hoeven (ND)	Theodore Roosevelt National Park	ND	2,937	2,781	-156
King (ME)	Acadia National Park	ME	8,129	7,684	-445
King (ME)	Katahdin Woods and Waters National Monument	ME	0	180	180
Lee (UT)	Zion National Park	UT	7,722	7,298	-424
Lee (UT)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Lee (UT)	Bryce Canyon National Park	UT	3,323	3,138	-185
Lee (UT)	Mormon Pioneer National Heritage Area (grant)	UT	299	0	-299
Lee (UT)	Mormon Pioneer National Historical Trail	UT	244	227	-17
Lee (UT)	Arches National Park	UT	1,968	1,859	-109
Lee (UT)	Canyonlands National Park	UT	6,322	5,972	-350
Lee (UT)	Capitol Reef National Park	UT	2,392	2,263	-129
Lee (UT)	Glen Canyon National Recreation Area	AZ/UT	11,780	11,112	-668
Manchin (WV)	Harpers Ferry National Historical Park	MD/VA/WV	6,742	6,382	-360
Manchin (WV)	New River Gorge National River	WV	7,561	7,144	-417
Manchin (WV)	National Coal Heritage Area (grant)	WV	299	0	-299
Masto (NV)	Lake Mead	AZ/NV	19,585	18,480	-1,105
Masto (NV)	Death Valley National Park	CA/NV	8,868	8,366	-502
Masto (NV)	Great Basin National Park	NV	2,794	2,641	-153
Masto (NV)	Death Valley National Park	CA/NV	8,868	8,366	-502
Murkowski (AK)	Katmai National Park	AK	4,319	4,070	-249
Murkowski (AK)	Kenai Fjords National Park	AK	4,058	3,827	-231
Murkowski (AK)	Denali National Park	AK	14,603	13,779	-824
Murkowski (AK)	Wrangell-St. Elias National Park	AK	5,764	5,764	0
Murkowski (AK)	Kenai Mountains-Turnagain Arm National Heritage Area (grant)	AK	299	0	-299
Murkowski (AK)	Glacier Bay National Park	AK	5,063	4,789	-274
Portman (OH)	Cuyahoga Valley National Park	OH	10,836	10,236	-600
Portman (OH)	Ohio and Erie Canal National Heritage Area (grant)	OH	639	0	-639
Portman (OH)	Dayton Aviation National Historical Park	OH	2,004	1,893	-111
Portman (OH)	Perry's Victory and International Peace Memorial	OH	1,120	1,057	-63
Risch (ID)	Craters of the Moon National Monument & Preserve	ID	1,617	1,529	-88
Risch (ID)	Nez Perce National Historical Park	ID	2,586	2,438	-148
Risch (ID)	Yellowstone National Park	ID/MT/WY	35,296	33,350	-1,946
Risch (ID)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Sanders (VT)	Marsh-Billings-Rockefeller National Historical Park	VT	2,089	1,970	-119
Stabenow (MI)	Isle Royale National Park	MI	4,614	4,352	-262
Stabenow (MI)	Pictured Rocks National Lakeshore	MI	2,715	2,566	-149
Stabenow (MI)	Sleeping Bear Dunes National Lakeshore	MI	4,290	4,058	-232
Strange (AL)	Natchez Trace Parkway, Brices Cross Roads NBS, Tupelo NB	MS/AL/TN	11,671	11,013	-658
Wyden (OR)	Crater Lake National Park	OR	5,442	5,141	-301

List of Parks by Member for SIERA Subcommittee					
SIERA Member	National Park Service Unit	State	FY 2017 C	FY 2018 Reque	Change
Alexander (TN)	Natchez Trace Parkway, Brices Cross Roads NBS, Tupelo NB	MS/AL/TN	11,671	11,013	-658
Alexander (TN)	Great Smoky Mountains National Park	NC/TN	19,377	18,301	-1,076
Blunt (MO)	Jefferson National Expansion Memorial	MO	10,001	9,460	-541
Blunt (MO)	Ozark National Scenic River	MO	6,622	6,260	-362
Blunt (MO)	Wilson's Creek National Battlefield	MO	3,272	3,087	-185
Capito (WV)	Harpers Ferry National Historical Park	MD/VA/WV	6,742	6,382	-360
Capito (WV)	New River Gorge National River	WV	7,561	7,144	-417
Capito (WV)	National Coal Heritage Area (grant)	WV	299	0	-299
Cochran (MS)	Natchez National Historic Park	MS	1,925	1,808	-117
Cochran (MS)	Vicksburg National Military Park	MS	3,202	3,024	-178
Cochran (MS)	Natchez Trace Parkway, Brices Cross Roads NBS, Tupelo NB	MS/AL/TN	11,671	11,013	-658
Cochran (MS)	Gulf Islands National Seashore	MS/FL	7,287	6,870	-417
Daines (MT) /Tester (MT)	Glacier National Park	MT	13,777	13,029	-748
Daines (MT) /Tester (MT)	Little Bighorn Battlefield	MT	3,666	3,460	-206
Daines (MT) /Tester (MT)	Yellowstone National Park	MT/WY/ID	35,296	33,350	-1,946
Feinstein (CA)	Joshua Tree National Park	CA	6,233	5,891	-342
Feinstein (CA)	Golden Gate National Recreational Area	CA	26,014	24,587	-1,427
Feinstein (CA)	Lassen Volcanic National Park	CA	5,370	5,076	-294
Feinstein (CA)	Lava Beds National Monument	CA	2,365	2,234	-131
Feinstein (CA)	Mojave National Preserve	CA	5,326	5,024	-302
Feinstein (CA)	Pinnacles National Monument	CA	3,575	3,383	-192
Feinstein (CA)	Redwood National Park	CA	9,048	8,563	-485
Feinstein (CA)	San Francisco Maritime National Historical Park	CA	7,479	7,086	-393
Feinstein (CA)	Santa Monica Mountains National Recreation Area	CA	8,577	8,096	-481
Feinstein (CA)	Sequoia & Kings Canyon National Parks	CA	17,060	16,110	-950
Feinstein (CA)	Whiskeytown National Recreation Area	CA	4,393	4,153	-240
Feinstein (CA)	Yosemite NP	CA	30,910	29,164	-1,746
Feinstein (CA)	Channel Islands National Park	CA	7,523	7,106	-417
Feinstein (CA)	Death Valley National Park	CA/NV	8,868	8,366	-502
Hoeven (ND)	Theodore Roosevelt National Park	ND	2,937	2,781	-156
Leahy (VT)	Marsh-Billings-Rockefeller National Historical Park	VT	2,089	1,970	-119
McConnell (KY)	Mammoth Cave National Park	KY	6,587	6,226	-361
Merkley ((OR)	Crater Lake National Park	OR	5,442	5,141	-301
Murkowski (AK)	Katmai National Park	AK	4,319	4,070	-249
Murkowski (AK)	Kenai Fjords National Park	AK	4,058	3,827	-231
Murkowski (AK)	Denali National Park	AK	14,603	13,779	-824
Murkowski (AK)	Wrangell-St. Elias National Park	AK	5,764	5,764	0
Murkowski (AK)	(grant)	AK	299	0	-299
Murkowski (AK)	Glacier Bay National Park	AK	5,063	4,789	-274
Reed (RI)	Blackstone River Valley National Historical Park	MA/RI	927	869	-58
Reed (RI)	John H. Chafee Blackstone River Valley National Heritage Corridor	MA/RI	0	0	0
Udall (NM)	Carlsbad Caverns	NM	5,815	5,474	-341
Udall (NM)	Pecos National Historical Park	NM	2,221	2,095	-126
Udall (NM)	Chaco Culture National Historical Park	NM	2,054	1,939	-115
Udall (NM)	Valles Caldera National Preserve	NM	3,348	3,153	-195
Van Hollen (MD)	Antietam National Battlefield	MD	3,543	3,351	-192
Van Hollen (MD)	Assateague Island National Seashore	MD	5,411	5,095	-316
Van Hollen (MD)	Catoctin Mountain Park	MD	3,393	3,204	-189
Van Hollen (MD)	Fort Mchenry NM & Historic Shrine	MD	2,586	2,438	-148
Van Hollen (MD)	Harpers Ferry National Historical Park	MD/VA/WV	6,742	6,382	-360

List of Parks by Member for House Natural Resources Committee Members					
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Bergman (MI)	Isle Royale National Park	MI	4,614	4,352	-262
Bergman (MI)	Pictured Rocks National Lakeshore	MI	2,715	2,566	-149
Bergman (MI)	Sleeping Bear Dunes National Lakeshore	MI	4,290	4,058	-232
Bishop (UT)	Zion National Park	UT	7,722	7,298	-424
Bishop (UT)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Bishop (UT)	Bryce Canyon National Park	UT	3,323	3,138	-185
Bishop (UT)	Mormon Pioneer National Heritage Area (grant)	UT	299	0	-299
Bishop (UT)	Mormon Pioneer National Historical Trail	UT	244	227	-17
Bishop (UT)	Arches National Park	UT	1,968	1,859	-109
Bishop (UT)	Canyonlands National Park	UT	6,322	5,972	-350
Bishop (UT)	Capitol Reef National Park	UT	2,392	2,263	-129
Bishop (UT)	Glen Canyon National Recreation Area	AZ/UT	11,780	11,112	-668
Bordallo (Guam)	War in the Pacific NHP	Guam	1,593	1,504	-89
Brown (MD)	Antietam National Battlefield	MD	3,543	3,351	-192
Brown (MD)	Assateague Island National Seashore	MD	5,411	5,095	-316
Brown (MD)	Catoctin Mountain Park	MD	3,393	3,204	-189
Brown (MD)	Fort McHenry NM & Historic Shrine	MD	2,586	2,438	-148
Brown (MD)	Harpers Ferry National Historical Park	MD/VA/ WV	6,742	6,382	-360
Cheney (WY)	Yellowstone National Park	MT/WY /ID	35,296	33,350	-1,946
Clay (MO)	Jefferson National Expansion Memorial	MO	10,001	9,460	-541
Clay (MO)	Ozark National Scenic River	MO	6,622	6,260	-362
Clay (MO)	Wilson's Creek National Battlefield	MO	3,272	3,087	-185
Gohmert (TX)	N/A	TX			0
Gonzalez-Colon (PR)	San Juan National Historical Site	Puerto Rico	3,505	3,316	-189
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Grand Canyon NP	AZ	21,546	20,361	-1,185
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Organ Pipe Cactus NM	AZ	4,460	4,213	-247
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Petrified Forest NP	AZ	3,589	3,390	-199
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Saguaro NP	AZ	3,690	3,486	-204
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Canyon de Chelly NM	AZ	2,034	1,921	-113
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Lake Mead	AZ/NV	19,585	18,480	-1,105
Gosar (AZ) / Grijalva (AZ) / Gallego (AZ)	Glen Canyon NRA	AZ/UT	11,780	11,112	-668
Hanabusa (HI)	Haleakala NP	HI	5,585	5,277	-308
Hanabusa (HI)	Hawaii Volcanoes NP	HI	7,856	7,430	-426
Hanabusa (HI)	Kalaupapa NHP	HI	4,511	4,256	-255
Hanabusa (HI)	World War II Valor in the Pacific NM	HI	3,621	3,418	-203
Hice (GA)	Chickamauga & Chattanooga National Military Park	GA	3,406	3,219	-187
Hice (GA)	Cumberland Island National Seashore	GA	2,964	2,795	-169
Hice (GA)	Martin Luther King, Jr National Historic Site	GA	4,271	4,017	-254
Hice (GA)	Chattahoochee River National Recreation Area	GA	3,521	3,324	-197
Johnson (LA)	New Orleans Jazz National Historical Park	LA	1,304	1,231	-73
Johnson (LA)	Jean Lafitte National Historical Park & Preserve	LA	5,611	5,299	-312
Labrador (ID)	Craters of the Moon National Monument & Preserve	ID	1,617	1,529	-88
Labrador (ID)	Nez Perce National Historical Park	ID	2,586	2,438	-148
Labrador (ID)	Yellowstone National Park	ID/MT/W Y	35,296	33,350	-1,946
Labrador (ID)	Yellowstone National Park	MT/WY/I D	35,296	33,350	-1,946
LaHood (IL)	Lincoln Home National Historic Site	IL	2,842	2,690	-152
Lamborn (CO) / Tipton (CO)	Curecanti National Recreation Area	CO	4,349	4,104	-245
Lamborn (CO) / Tipton (CO)	Dinosaur National Monument	CO	3,778	3,569	-209
Lamborn (CO) / Tipton (CO)	Great Sand Dunes National Park and Preserve	CO	2,340	2,212	-128
Lamborn (CO) / Tipton (CO)	Mesa Verde National Park	CO	6,507	6,153	-354
Lamborn (CO) / Tipton (CO)	Rocky Mountain National Park	CO	12,738	12,042	-696

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McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Joshua Tree National Park	CA	6,233	5,891	-342
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Golden Gate National Recreational Area	CA	26,014	24,587	-1,427
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Lassen Volcanic National Park	CA	5,370	5,076	-294
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Lava Beds National Monument	CA	2,365	2,234	-131
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Mojave National Preserve	CA	5,326	5,024	-302
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Pinnacles National Monument	CA	3,575	3,383	-192
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Redwood National Park	CA	9,048	8,563	-485
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	San Francisco Maritime National Historical Park	CA	7,479	7,086	-393
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Santa Monica Mountains National Recreation Area	CA	8,577	8,096	-481
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Sequoia & Kings Canyon National Parks	CA	17,060	16,110	-950
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Whiskeytown National Recreation Area	CA	4,393	4,153	-240
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Yosemite NP	CA	30,910	29,164	-1,746
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Channel Islands National Park	CA	7,523	7,106	-417
McClintock/LaMalfa/Denham/ Cook/ Napolitano /Costa/Huffman/Lowenthal/ Torres/Barragan/Panetta (CA)	Death Valley National Park	CA/NV	8,868	8,366	-502
Pearce (NM)	Carlsbad Caverns	NM	5,815	5,474	-341
Pearce (NM)	Pecos National Historical Park	NM	2,221	2,095	-126
Pearce (NM)	Chaco Culture National Historical Park	NM	2,054	1,939	-115
Pearce (NM)	Valles Caldera National Preserve	NM	3,348	3,153	-195
Radewagen (A. Samoa)	National Park of American Samoa	American Samoa	2,009	1,886	-123
Rouzer (NC)	Great Smoky Mountains National Park	NC/TN	19,377	18,301	-1,076
Rouzer (NC)	Blue Ridge Parkway	NC/VA	16,189	15,309	-880
Rouzer (NC)	Cape Hatteras Group - Cape Hatteras NS, Fort Raleigh NHS, Wright Brothers NM	NC	9,797	9,241	-556
Rouzer (NC)	Cape Lookout National Seashore	NC	2,541	2,401	-140
Sablan (N. Marianas)	American Memorial Park	Northern Mariana Islands	1,577	1,490	-87
Thompson (PA)	N/A				0
Tsongas (MA)	Adams National Historical Park	MA	2,506	2,364	-142
Tsongas (MA)	Boston National Historical Park	MA	9,359	8,834	-525
Tsongas (MA)	Cape Cod National Seashore	MA	7,713	7,288	-425
Tsongas (MA)	Lowell National Historical Park	MA	8,476	8,005	-471
Tsongas (MA)	Minute Man National Historical Park	MA	2,856	2,698	-158
Tsongas (MA)	Salem Maritime National Historic Site	MA	2,570	2,425	-145

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HNR Member	National Park Service Unit	State	FY 2017 CR	FY 2018 Request	Change
Webster (FL) / Soto (FL)	Gulf Islands National Seashore	MS/FL	7,287	6,870	-417
Westerman (AR)	Buffalo National River	AR	5,897	5,578	-319
Westerman (AR)	Little Rock Central High School NHS	AR	982	926	-56
Westerman (AR)	Hot Springs NP	AR	4,639	4,384	-255
Wittman (VA) / Beyer (VA) / McEachin (VA)	Colonial National Historical Park	VA	6,851	6,465	-386
Wittman (VA) / Beyer (VA) / McEachin (VA)	Fredericksburg & Spotsylvania National Military Park	VA	4,529	4,288	-241
Wittman (VA) / Beyer (VA) / McEachin (VA)	Harpers Ferry National Historical Park	MD/VA/W V	6,742	6,382	-360
Wittman (VA) / Beyer (VA) / McEachin (VA)	Manassas National Battlefield Park	VA	3,204	3,028	-176
Wittman (VA) / Beyer (VA) / McEachin (VA)	Petersburg National Battlefield	VA	3,449	3,265	-184
Wittman (VA) / Beyer (VA) / McEachin (VA)	Prince William Forest Park	VA	3,496	3,303	-193
Wittman (VA) / Beyer (VA) / McEachin (VA)	Richmond National Battlefield Park	VA	3,227	3,052	-175
Wittman (VA) / Beyer (VA) / McEachin (VA)	Shenandoah National Park	VA	12,264	11,593	-671
Wittman (VA) / Beyer (VA) / McEachin (VA)	Wolf Trap National Park	VA	4,188	3,962	-226
Young (AK)	Katmai National Park	AK	4,319	4,070	-249
Young (AK)	Kenai Fjords National Park	AK	4,058	3,827	-231
Young (AK)	Denali National Park	AK	14,603	13,779	-824
Young (AK)	Wrangell-St. Elias National Park	AK	5,764	5,764	0
Young (AK)	Kenai Mountains-Turnagain Arm National Heritage Area (grant)	AK	299	0	-299
Young (AK)	Glacier Bay National Park	AK	5,063	4,789	-274

Offsetting Collections (Offshore Oil and Gas)

Q. The last several years, the Subcommittee has faced a challenge in filling the gap in dropping offshore collections from rental receipts and other fees. What can we do to prevent this?

A.

- Offsetting collections from oil and gas activities rise and fall with the economy and the price of oil and gas
- Makes it difficult for Bureaus relying on this revenue to sustain program operations
- This budget increases appropriations for BOEM and BSEE to adjust for anticipated declines in revenue (*BOEM +\$35 million, BSEE +\$4.5 million*)
- Same problem with onshore oil and gas permit fee revenue
- Remains a challenge as long as oil and gas activity is low – Working to boost revenue

Paris Agreement

Q. What are your thoughts on the President's decision to remove us from the Paris Agreement on climate change?

A.

- America's energy and economic destiny is up to the United States, not the United Nations
- We should use our resources responsibly to our advantage
- Advancements in technology and smart regulations will allow our nation to become energy dominant while continuing to lower emissions
- I am committed to protecting and creating jobs, supporting an all-of-the-above energy approach that includes coal, and creating policies that build our economy

PILT

Q. Does this budget support Payments in Lieu of Taxes?

A.

- Includes \$397 million for 2018 PILT payments
- Budgets for PILT in the discretionary budget request
- PILT provides a share of budget savings –
 - PILT funding is 12 percent below the 2016 level – this is the same percentage of savings from Interior programs

Q. Do you have an estimate of cost to fully fund the FY 2018 PILT Payments?

A.

- We are getting ready to announce the FY 2017 PILT payments
- Difficult to estimate – depends on reauthorization of Secure Rural Schools funding before September 30
- SRS payments reduce what is covered by PILT—No SRS payments in FY 2017 equals higher PILT requirements in FY 2018
- To give you an idea – a rough estimate adjusting for timber payments on FY 2016 requirements showed a swing of slightly over \$100 million
- Can provide an estimate for the record

Reorganization

Q. What are your plans for reorganizing the Department of the Interior?

A.

- Trying to push more authority out to the field and reorganize Interior for the first time in 100 years
- Looking at joint management areas – based on ecosystems where possible
 - Bureaus now have different regional boundaries and service areas
- Mirror joint commands in the military – similar to how we fight wildfires through the National Interagency Fire Center
- Reduce permitting hurdles – improve focus on regional issues – better use of resources appropriated for ecosystem specific work
- Part of Administration's broader reform effort – proposals considered with the FY 2019 budget

Q. You were recently quoted as saying the staffing shifts would not cost money or need Congressional approval, is that accurate?

- First, of course we would consult with Congress, as required
- I am sharing the concept to start discussion
- My comments were about whether we would need specific legislation to implement – and at this point I don't think so
- It's too early for a discussion about costs or savings

Revenue

Q. What are the revenue assumptions in this budget?

A.

- Budget boosts revenue for the Treasury – calling for legislative proposals to raise \$5.8 billion over ten years
 - Includes proposal to open the Arctic National Wildlife Refuge for development
- Revenue generated by Interior dropped \$17 billion since 2008 – \$26 billion in 2008 to \$9 billion in 2016.
- The estimate for 2018 is \$11.2 billion
- Taking a look at fee programs
 - Budget proposes to permanently reauthorize recreation fee program
 - Collect nearly \$290 million annually
 - Can do more
 - Only 120 out of 400+ national park sites charge an entrance fee
- Want to look at revenue held at Treasury
 - At the end of last year there was:
 - Over \$20 billion in the Land and Water Conservation Fund
 - Close to \$13 billion in the Reclamation Fund

Rural Water

Q. Your budget for Rural Water projects is 45% below what Congress appropriated in 2017. What is the rationale for this cut when partners have contributed fully and are waiting for the federal government to keep pace?

A.

- Budget includes \$46 million for Rural Water projects (*\$-37 million*)
- Agree – important to the West
- Highest priority – keep delivering potable water to rural areas – can't cut them off – includes \$20 million
- Includes \$26 million for construction
- Project funding considers –
 - commitment from partners,
 - urgency of the situation,
 - economic impact,
 - watershed needs, and
 - trust responsibilities to Tribes

Sage-grouse

Q. What is in this budget to continue Sage-grouse conservation activities?

A.

- There is \$57 million to continue to work on the sage landscape – maintain commitment to the sage habitat

Q. Are you planning to change the Sage-grouse land use management plans finalized in 2015?

A.

- I want to manage the Sage-grouse in the context of all the other decisions regarding stewardship of these lands
- My desire is to avoid listing – I want to work with partners to do this
- Want to cooperate with states and partners on 2015 Sage-grouse Plans
- Set up an interagency team to address principal wildlife threats – look at creative approaches – review plans to balance energy objectives

Q. What is the future of the sage brush focal areas?

- The Secretarial Order directs the BLM to evaluate these areas

Q. The budget for Sage-grouse has been about \$70 million but a portion went to hire biologists in D.C. Wouldn't this be better spent for on the ground work in the States?

A.

- My priority is work on-the-ground – highest payoff is in the field
- New hiring related to Sage-grouse has occurred only at the State and field levels
- BLM uses a small percentage of the overall Sage-grouse funding to support program management in Washington

Science

Q. You recently said “investment in research and development and investing in our science community” is important, yet there big cuts in Bureau science programs in addition to the USGS? What is the strategy?

A.

- The budget prioritizes applied research and development supporting Interior’s mission
- Across Interior, this budget proposes over \$816 million for research and development – about eight percent of the total budget request
- This is similar to the proportion of R&D in recent budgets
- R&D in the U.S. Geological Survey accounts for almost 70 percent of the Department’s total – they are Interior’s premiere science organization

Note:

Research and Development across Interior (*\$816 million, -\$179 million from 2017*)

USGS Funding (*\$922 million, -\$138 million from 2017*)

Senior Executive Service (SES) Employees

Q. Last week, it was announced by press that you are reassigning dozens of qualified career officials to new positions out in the field. This creates a culture of intimidation with your senior executives.

Did you consult with these people before you announced their relocation? How does this serve the Department when you are short-staffed in your leadership ranks?

A.

- Since my first day at Interior, I have been upfront about my commitment to reorganizing the Department
- I want to refocus our efforts to putting boots on the front line
- My priority is to restore trust and be a better neighbor – this means having our staff close to the ground to deal with issues directly
- These changes are being done to better serve the taxpayer and Interior's operations

Sexual Harassment

Q. What are you doing to address the problem of sexual harassment at Interior?

A.

- I have made it very clear to my employees – I won't tolerate sexual harassment, discrimination or retaliation
- Reported incidents are being fully investigated with confidentiality
- If harassment is substantiated – immediate and appropriate action is taken
- Any employee found to have committed sexual harassment, discriminatory behavior, or any other harassing or retaliatory behavior will be subjected to disciplinary and/or adverse action

SNPLMA - Southern Nevada Public Land Management Act

Q. Why are you cutting the SNPLMA program?

A.

- Propose \$230 million savings from SNPLMA balances over 3 years -- \$77 million each year
- Doesn't end the SNPLMA program – it continues
- Rate at which funds go out has steadily declined from \$223 million in 2012 down to \$23 million in 2016

Note:

- At the end of FY 2016, the program had \$542 million in unobligated carryover balances

Timber

Q. Will you be able to fully meet the implementation level in the O&C Timber Resource Management Plans?

A.

- Meet requirements of the Resource Management Plans – not full implementation
- Budget supports 205 million board feet – comparable to estimated 2017 offer (*208 MMBF total, includes 205 MMBF ASQ*)
- No timeframe for full implementation in plans
- Full implementation increases volume offered to 278 million board feet

	2018 Req	Change
Timber Programs	\$149	-21
BLM-Public Domain Forestry	\$10	-
BLM- O&C Forestry	\$90	-18
BIA - Indian Forestry	\$49	-3

USGS Funding

Q. Why are you reducing popular USGS programs such as Landscapes (such as Chesapeake, and Everglades), Volcano Monitoring, or Water Resources?

A.

- We are funding core USGS science – important to land managers

Landscapes

- *Chesapeake* - The 2018 request for USGS work in the Chesapeake Bay Ecosystem is \$6.8 million, a significant component of the larger \$24 million for the Chesapeake across DOI.
- *Everglades* - The 2018 request for USGS work in the Everglades is \$2.9 million

Volcano Monitoring

- The 2018 budget includes \$22.4 million for the Volcano Hazards program for forecasts and warnings of hazardous volcanic activity with the current monitoring networks

Water Resources

- The 2018 budget includes \$173 million for USGS Water Resources programs
- Includes \$74.5 million (-\$16 million) for the *National Water Quality Program*
- Sustains funding for streamgages
- Eliminates the *Water Resources Research Act Program* (-\$6.5 million) – allows USGS to focus remaining resources on core responsibilities

Wild Horses and Burros

Q. What is Interior's plan for the Wild Horse and Burro program?

A.

- I love horses and I want to see them treated humanely
- The current program is financially unsustainable – new approach needed
- Program costs more than doubled in eight years – \$36 million in 2008 to \$80 million in 2017 – Consumed by the cost to care for excess animals off-range
- Propose to eliminate bill language restricting use of all management options authorized in the Wild Free-Roaming Horse and Burro Act
- Enable BLM to manage on-range herds more effectively and humanely – focus on caring for healthy and adoptable animals off-range

Q. You're proposing to launch a new Wild Horse and Burro policy with a \$10 million program reduction. How would that work?

A.

- We're asking the Subcommittee to remove restrictive language in the bill to give BLM more flexibility to reduce the numbers of animals held off the range
- Some savings (*about \$4.0 million*) would come from unrestricted sales
- The program would also reduce gathers and other activities

Note:

- Budget proposes to remove the following language from the Interior Appropriations bill –
 - *“Appropriations herein made shall not be available for the destruction of healthy, unadopted wild horses and burros in the care of the Bureau or its contractors for the sale of wild horses and burros that results in their destruction for processing into commercial products.”*

Wildlife Trafficking

Q. What is the Department doing to continue efforts to fight illegal wildlife trafficking?

A.

- Budget includes \$7.5 million, equal to the 2017 level, to combat illegal wildlife trafficking in FWS' Law Enforcement Program

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To: Holley, Amy[amy_holley@ios.doi.gov]
Cc: Mary Pletcher[Mary_Pletcher@ios.doi.gov]; Harry Humbert[harry_humbert@ios.doi.gov]; Elena Gonzalez[maria_gonzalez@ios.doi.gov]; Greg Gould[greg.gould@onrr.gov]; Steve Glomb[steve_glomb@ios.doi.gov]
From: Ferriter, Olivia
Sent: 2017-07-13T12:47:19-04:00
Importance: Normal
Subject: Re: URGENT: ACTION DUE NOON TOMORROW
Received: 2017-07-13T12:48:22-04:00

As a reminder, we have the PMB Owner's manual from the transition. I have a hard copy. It is probably overkill for her hearing but might be helpful afterwards. It would need to be updated. I believe Megan has those files. She is on leave until mid-week next week.

Olivia Barton Ferriter
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On Thu, Jul 13, 2017 at 11:31 AM, Holley, Amy <amy_holley@ios.doi.gov> wrote:

All:

OCL is asking us for Q&As for our nominee's mock hearing. The mock hearing is next Tuesday, and the questions should be very general and high level, as should the answers. We are thinking specifically, questions about Budget, Reorg (including recent reassignments), Fire. The answers could reference what the Secretary has said publicly or state an already established Administration position. If there are others you think would be helpful, please include them. Please try to get them to me by noon tomorrow. As always, let me know if you have questions or concerns. Thank you!

It is possible she will have a hearing as early as next Thursday, although that is not firm.

To: Olivia Ferriter[Olivia_Ferriter@ios.doi.gov]; Mary Pletcher[Mary_Pletcher@ios.doi.gov]; Harry Humbert[harry_humbert@ios.doi.gov]; Elena Gonzalez[maria_gonzalez@ios.doi.gov]; Greg Gould[greg.gould@onrr.gov]; Steve Glomb[steve_glomb@ios.doi.gov]
From: Holley, Amy
Sent: 2017-07-13T11:34:29-04:00
Importance: Normal
Subject: Re: URGENT: ACTION DUE NOON TOMORROW
Received: 2017-07-13T11:34:56-04:00

Also, if there are general briefing papers we have prepared for the Secretary or other Senior Officials about cross-cutting or Department-wide issues, could you forward those? Thank you!

On Thu, Jul 13, 2017 at 11:31 AM, Holley, Amy <amy_holley@ios.doi.gov> wrote:

All:

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From: Holley, Amy
Sent: 2017-07-13T11:31:55-04:00
Importance: Normal
Subject: URGENT: ACTION DUE NOON TOMORROW
Received: 2017-07-13T11:32:22-04:00

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To: downey_magallanes@ios.doi.gov[downey_magallanes@ios.doi.gov];
virginia_johnson@ios.doi.gov[virginia_johnson@ios.doi.gov]
Cc: Annie Palisi[palisi@invariantgr.com]; Noah Kowalski[kowalski@invariantgr.com]
From: Anne MacMillan
Sent: 2017-07-11T17:21:28-04:00
Importance: Normal
Subject: Aramark Follow Up
Received: 2017-07-11T17:21:38-04:00

Downey and Virginia,

Thank you so much for the recent meeting with Bruce Fears, President of Aramark Leisure. It was a great opportunity to position Aramark as a partner on the Secretary's vision for improving the National Park system.

Bruce is headed back to DC in July and I will follow up with Virginia on a potential follow up meeting to discuss some of these issues in greater detail. In the interim, please do not hesitate to let us know if there is anything we can be helpful on to you, the Secretary or the Department.

Also flagging the article below that we helped to craft on background in support of the campground proposal.

Thanks,
Anne

Anne MacMillan
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(Heather Podesta + Partners is now Invariant)

The Hill: Hospitality industry pushes Trump for bigger role in national parks

Companies that operate visitor services in national parks are pushing the Trump administration to outsource more work to the private sector.

The hospitality industry is betting that President Trump's desire to cut the National Park Service's (NPS) budget, combined with the GOP's long-standing goal of moving federal functions to the private sector, presents an opportunity to make inroads in campgrounds, fee collection and other services at parks.

The administration appears receptive. Interior Secretary Ryan Zinke brought up campgrounds at a recent event, saying he doesn't think the NPS should be in the business of running them.

"As the secretary, I don't want to be in the business of running campgrounds," Zinke told members of

the Recreational Vehicle Industry Association at a recent event, according to E&E News. "My folks will never be as good as you are."

Conservationists fear that increasing the role of concessioners is a slippery slope toward privatizing national parks. In addition, reducing federal staffing levels, or even reassigning a significant number of workers, is likely to face stiff pushback.

But the companies feel their arguments should resonate at a time of tightening federal dollars. Trump wants to cut roughly \$375 million of the NPS's \$3 billion budget, and the agency is already facing a maintenance backlog of more than \$11 billion.

"In times of budget challenges, looking at where an agency can do fewer things better and outsource to entities that are already in this space, it does make sense to already have this discussion," a lobbyist for a company that already operates as a concessioner in many parks told The Hill.

"It's sort of a win-win," the lobbyist said. "Some of these dialogues haven't been had in quite some time, and it's ripe to have these conversations."

The campaign is being led in part by the National Park Hospitality Association, whose members include big companies like Aramark Corp. and Delaware North Co., as well as smaller businesses that might operate a small handful of services.

The companies work as concessioners, operating businesses at NPS sites like restaurants and lodges and giving a portion of their earnings to the federal government, instead of carrying out responsibilities and getting paid by the government, like a contractor.

The group's counselor, Derrick Crandall, met with Zinke and his staff on increasing concessioner opportunities in April, and he is planning to present more formal recommendations soon.

"Why is it inherently a Park Service responsibility to clean toilets, pick up trash and take reservations for campgrounds? Is that something that the agency has a particular expertise on, is it in their wheelhouse?" Crandall said.

"What the concessioners would say is that they do believe that there is an important role for the Park Service in campgrounds in the future, but that is in the interpretation role, the educational role. It's not necessarily taking reservations, cleaning bathrooms."

A handful of NPS sites have outsourced campground operation, and the NPS already has the authority to expand concessioning, as Crandall and others are asking for.

Crandall also wants private companies to take over collection of fees and says the park service should explore allowing more privately run facilities like lodges in parks that don't have them.

He argued that private companies could perform many of those functions better. And since the NPS is unlikely to get significant new funding, concessioners present an opportunity for growth.

"Adversity is the mother of invention," he said. "And I think this administration is more concerned about the backlog in deferred maintenance and about reducing federal spending overall than the

previous administration.”

The private sector could also improve the park experience, Crandall argued, by bringing Wi-Fi, electronic payment options and all-around better accommodations.

Interior Department spokeswoman Heather Swift said Zinke is interested in seeing where the NPS can expand the use of concessioners and other private partnerships, with an eye to making sure the agency focuses on its proper functions.

“The secretary is interested in innovative solutions that allow our park rangers to focus on things like land management and interpretive services and bring in partners who want to make investments into our parks to manage other aspects of the visitor experience and help address the maintenance backlog,” Swift said.

“We already have thousands of public-private partnerships that are already happening in parks and federal lands, expanding the best of the best and looking at new solutions should not be off the table.”

The NPS does not currently have a director, and Trump hasn’t nominated anyone for the job.

Conservationists are pushing back against the administration. They say any form of privatization is a slippery slope that won’t improve the parks.

“It’s not realistic that a lot of additional revenue could be generated for the park service without increasing costs for American families to enjoy campgrounds and other park services,” said John Garder, director for budget and appropriations at the National Park Conservation Association.

“It would be problematic, to say the least, to see American families of lesser means priced out of national parks.”

Gardner points to previous extensive reviews, as recently as the 1990s, into shifting more NPS services to the private sector.

“What they largely found was that it was impractical,” he said.

Green advocates are also worried that having employees of private companies interact with parkgoers would hurt the park experience.

“This is the face of our public land agencies and the people on the front lines,” said John Freemuth, a Boise State University professor who studies public lands issues and once worked as a park ranger.

“We’re decoupling what people’s experiences are with their public land managers when we start contracting all this out,” he said.

Crandall dismissed the concerns and emphasized that many NPS duties, like guidance and law enforcement, ought to stay with federal workers.

“We are not talking about privatizing,” he said. “We are talking about realigning how the Park Service

role can be where we all think the Park Service should be: interpretation, law enforcement, other kinds of services.”



Bi-Weekly Policy Briefing for Secretary Zinke

July 6, 2017



Agenda

1. Fish and Wildlife and Parks
2. Water and Science
3. Policy, Management, and Budget
4. Insular Areas
5. Indian Affairs
6. Land and Minerals Management
7. Congressional and Legislative Affairs
8. External Affairs
9. Solicitor
10. Communications



Fish and Wildlife and Parks



Fish and Wildlife and Parks



Fish and Wildlife Service

- Draft Mexican Wolf Recovery Plan
- King Cove Road
- Secretarial Order Regarding Sage Grouse
- FWS Deputy Director Greg Sheehan Meetings with Constituents

National Park Service

- Senior Pass Update
- UNESCO and World Heritage Sites
- Marine Corps Base Camp Pendleton/Trestles
- Glacier National Park/Lake McDonald Update



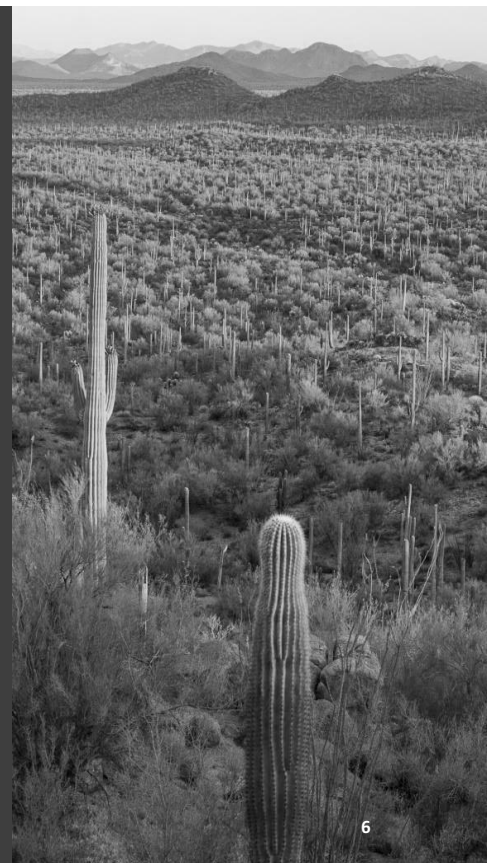
Water and Science



Agenda

Assistant Secretary for Water and Science

- Columbia River Basin dam removal EIS
- Navajo Generating Station
- Critical Minerals Report roll out
- Invasive Species/Mussels Follow Up
- Indian Water Rights





Water and Science

Bureau of Reclamation

Columbia River Basin dam removal EIS

- District Court has ordered Corps of Engineers, Reclamation, & BPA to write an EIS on steps to better protect endangered Snake River salmon
- Court directs that alternatives include examining breaching *at least one* of four Lower Snake Corps dams
- There are 31 federal dams in Federal Columbia River Power System, including Bonneville, Grand Coulee
- Corps thinks publicly being open to studying multiple dam removals is a smart litigation strategy

(b)(5)



Water and Science

Bureau of Reclamation

Columbia River Basin dam removal EIS

(b)(5)

- Acting A/S Water and Science has communicated DOI concerns to acting A/S of the Army for Civil Works, and OMB's Chief of the Water Branch (she oversees both Reclamation and the Corps)
- July 10 tentatively scheduled interagency meeting to discuss posture (DOI, Reclamation, Corps, Army, CEQ, OMB)
- July 11 Congressional briefing scheduled for Pacific Northwest delegations; what will be the executive Branch position if Hill staff ask about dam removals?



Water and Science

Bureau of Reclamation

Navajo Generating Station

- Lease Extension through 2019 – Approved by Navajo Council and Navajo President on July 2
- Post-2019, the plant either has a new owner or is decommissioned
- Post 2019 economic viability being explored; Peabody hired Lazard to help find new owner
- Navajo Tribal Council Speaker wants to keep plant open indefinitely, Tribal President would prefer shift to renewables
- DOI actively working with EPA, DOE, DOT in support of efforts to keep plant open in the long-term
- Key issues:
 - Will rising gas prices eventually make plant more economically competitive?
 - Can regulatory and tax relief make plant less expensive to run?



Water and Science

U.S. Geological Survey

Critical Minerals Report roll out

- Jim Cason looking to brief counterparts at DOD, DOC, NSC; also OMB
- Potential Executive Order to promote jobs in America, national security, balance of trade, economic competitiveness, stronger science
- Looking for July Presidential roll-out opportunity on jobs
- Possible USGS FY 19 budget initiative to level international playing field on geologic data so US mining not at a competitive disadvantage
- Price Tag: \$50M/year over 10 years



Water and Science

Invasive Species/Mussels Follow-up

- WGA mussel announcement well received by States
- Scott Cameron/Aurelia Skipwith presented details at intergovernmental Columbia Basin meeting in Helena MT on June 27
- Letter responding to Idaho Governor Otter in process, acknowledging his leadership
- Follow on with WGA targeting timeframe of their winter meeting
- Exploring long-term federal/WGA cooperation on invasives, including forest pests
- Mussels possible pilot of DOI "joint command" concept
- Discussions with USDA and DOC about revitalizing dormant National Invasive Species Council, with a field focus, cooperative stewardship with States



Secretary's Indian Water Rights Office

Background

- Authorized in the Departmental Manual (109 DM 1).
- Coordinates and manages the Department's Indian Water Rights Settlement Program.
- Facilitates communication and decision-making among the Departmental bureaus and offices on settlement matters, and manages 42 settlement teams in the field to assure policy consistency.
- Coordinates with the bureaus and offices to develop annual funding targets and guidance for the programs that support settlement negotiation and implementation.
- Staffs the Working Group on Indian Water Settlements (composed of all Assistant Secretaries and the Solicitor) which makes recommendations on settlement matters to the Secretary.
- Reports to Alan Mikkelsen, Chair of the Working Group on Indian Water Settlements.



Secretary's Indian Water Rights Office

Navajo-Utah Water Rights Settlement

- Goal to settle all the Nation's water claims in Utah, including claims to water in the San Juan River Basin. One of 3 enacted or pending settlements dealing with Navajo water rights in 3 states.
- S. 664 to approve the settlement was introduced by Senator Hatch on March. Hearing has not been scheduled.
- The bill includes a \$198.3 million water development fund, a \$10 million Operation & Maintenance Fund, and \$1 million for a hydrologic survey to establish current water uses. The total cost of the proposed settlement is \$209.3 million (\$201.3 million - Federal and \$8 million state).
- DOI needs to take a position on the bill and get OMB approval.



Secretary's Indian Water Rights Office

Hualapai Water Rights Settlement

- Goal to settle all the Tribe's water claims in Arizona, including claims to the Colorado River, the Verde River, and the Bill Williams River.
- Settlement was bifurcated into two phases: Phase 1 - the Bill Williams River Settlement (Enacted in December 2014) and Phase 2- the Colorado and Verde rivers.
- S. 3300 to approve the settlement was introduced by Senator Flake in September 2016.
 - proposed a \$173 million settlement fully funded by the US with no state contribution.
 - Settlement centered on a 70 mile pipeline to bring 3,414 acre feet per year of water from the Colorado River in the Grand Canyon up to the Reservation lands on the plateau above the Canyon.
 - DOI testified that it could not support the settlement primarily due to cost and lack of state contribution.
- Legislation to approve the settlement is anticipated as soon as next month.
- State of Arizona and Arizona Congressional delegation support the settlement.



Secretary's Indian Water Rights Office

Aamodt Water Rights Settlement

- Enacted in 2010 to settle water rights of four New Mexico Pueblos: San Ildefonso, Nambe, Tesuque & Pojoaque.
- Settlement centered on constructing a regional water system capable of diverting, treating and delivering 2,500 acre feet per year ("afy") of Rio Grande water to the four Pueblos and up to 1,500 afy to Santa Fe County.
- Currently facing significant implementation challenges:
 - \$33 M cost shortfall over authorized ceiling of 210 M.
 - Santa Fe County refusing to sign its cost share agreement due to disputes over roads trespasses on Pueblo lands.
 - Statute prohibits construction start until County signs its cost share agreement.
 - If construction doesn't start by fall 2018, US will not be able to complete construction by statutory deadline of 2024 and the settlement will fail.



Secretary's Indian Water Rights Office

Pechanga Water Rights Settlement

- Enacted in 2016 and being implemented.
- Settlement provides up to 5,000 acre feet per year of water for Pechanga from various sources local groundwater and imported water supplied by area water districts.
- Federal contribution is \$28.5M for imported water and infrastructure development.
- The Settlement Agreement is ready for execution and a signing ceremony with the Secretary is being requested in July.



Policy, Management and Budget



Assistant Secretary—Policy, Management and Budget

- **Strategic Plan:**
 - Framework submitted to OMB June 30
 - Draft Plan Due to OMB with Budget Submission September 2017
 - Final Plan released with FY 19 Budget in February 2018
- **FY 2019 Budget Process:**
 - Meetings with Bureaus/Offices to discuss proposals week of June 13
- **Government Reform/Reorganization:**
 - Draft Agency Reform Plan and Workforce Planning Update submitted to OMB June 30
 - Review with OMB scheduled July 19
- **Infrastructure Initiative**
 - Draft legislation submitted to OMB
- **South Interior Building**
 - GSA occupancy agreement scheduled to terminate and OSMRE and BIA to be relocated by October 1
 - OSMRE raising concerns about timeline for moving
- **Senior Executive Service**
 - Making progress on directed reassignments/adjusting plans based on feedback



Insular Areas



Assistant Secretary Insular Areas

Office of Insular Affairs

- **U.S. Virgin Islands:** Governor Kenneth Mapp is scheduled to meet with Secretary July 10 to discuss:
 - The road system within the National Park on St. John;
 - The Research Facility at Columbus Landing on St. Croix;
 - Status of the health care system in the Virgin Islands; and
 - Federal funding for construction and rehabilitation of schools in the Virgin Islands.

- **American Samoa:**

- NEW CMS AUTHORITY FOR MEDICAID FUNDS

The American Samoa Medicaid Program has received approval from the Center for Medicare and Medicaid to reimburse directly hospital providers in New Zealand and the US. The American Samoa Medicaid Agency worked with CMS over the past three years to develop another avenue to reinstate effective access to off -island medical referral services for the territory. Previously, off island medical services could only be reimbursed through the LBJ Hospital.

- HOUSE COMMITTEE HEARING ON LBJ HOSPITAL

The House Subcommittee on Indian, Insular and Alaska Native Affairs, has scheduled a hearing for July 25, 2017, regarding issues that affect care at the LBJ Hospital on Tutuila in American Samoa. This is a follow up to the CODEL the Pacific islands that occurred in February, 2017



Assistant Secretary Insular Areas

- **Guam** : OIA awarded \$6,578,000 Capital Improvement Program (CIP) infrastructure grants to provide funding to Guam for a Communication System Upgrade, Public Safety Police and Fire vehicles, and the "Assessment of Buildings and Classrooms" (ABC) Public Schools Deferred Maintenance project. In addition, a \$1,491,000 Discretionary Compact Impact (CI) grant was awarded to defray the costs associated with providing local government services to Freely Associated States (FAS) citizens living in Guam.
- **Commonwealth of the Northern Mariana Islands (CNMI)**: - OIA awarded \$4,082,000 in CIP grants to provide funding for a Solid Waste Transfer Station, the "ABC" Deferred Maintenance project and possible telecommunication infrastructure between the islands of Tinian and Rota. In addition, \$231,000 Discretionary CI grant was awarded to defray to costs associated with providing local government services to FAS citizens living in the CNMI.



Assistant Secretary Insular Areas

Freely Associated States

- **Palau:** An OMB-led interagency group consisting of DOI, DOD and the State Department continue to brief Congressional committees in support of the President's plan to appropriate \$123.9 million through DOD to DOI in the 2018 budget to enact the 2010 Compact Review Agreement. The group has addressed concerns of the House Appropriations Committee. OMB will release a new legislation fact sheet later this week and had urged all Departments to reach out to members of Congress and the relevant committees.
- **Marshall Islands:** On Friday, July 7th, the Acting AS-IN will meet at Main Interior with the Mayor of Rongelap Atoll and the Rongelap Atoll Local Government (RALGov) Marshall Islands-based attorney and mainland representative. The RALGov delegation is seeking OIA's support for RALGov's current technical assistance request for \$178,000 to continue the moi export enhancement project, to which OIA provided technical assistance funds during the Obama Administration. Highly sought after in Asian and Pacific cuisines, moi is a small, tropical fish, which RALGov authorities have cultivated and grown in recent years for shipment to restaurants outside of the Marshall Islands.



Assistant Secretary Insular Areas

- **Federated States of Micronesia (FSM):**

- DOI suspended the infrastructure funds on April 27, 2017, pending concern about process for the management and implementation of the funds.
- On June 29, 2017, the U.S. and FSM agreed to lift restrictions on \$150 Million in Public Infrastructure grants as provided for under the Compact of Free Association (Compact) or U.S. Public Law 108-188.
- Interior Acting Assistant Secretary Nik Pula led the U.S. delegation, with U.S. Ambassador to the FSM Robert Riley, III, the State Department's Director of Australia, New Zealand and Pacific Island Affairs Nicholas Dean, DOI Attorney-Advisor Maria Lurie, and other U.S. officials.
- Provisions of the agreement include 1) the FSM will terminate its current private contractor, 2) FSM will seek a new contractor to oversee the accounting for their grants.



Assistant Secretary Insular Areas

General Issues

- **US. Department of Health and Human Services:** On July 6, the office met with officials from HHS Office of the Assistant Secretary for Health and the Office of Intergovernmental and External Affairs to discuss the status of various initiatives under to improve health outcomes in the insular areas. Strategies to improve insular area Medicaid participation and hospital reimbursement are among agenda issues.
- **All Island Tax Administrators Association (AITAA):** AITAA 2017 Conference is being hosted in St. Croix Virgin Islands from July 18 -20, 2017. Tax officials from all insular area governments make up the membership of the AITAA and the annual conferences provide training and technical assistance to the tax officials from experts and specialist from the U.S. Internal Revenue service and other offices of the U.S. Department of Treasury.



Indian Affairs



Indian Affairs

Priorities

(b)(5)



Indian Affairs

Priorities

(b)(5)



Indian Affairs

Priorities

(b)(5)



Indian Affairs

Ongoing Initiatives

Indian Trade and Commerce Regulations

- Statute originally passed in 1790; regulations promulgated in 1957
- Original legislative intent of the founding fathers was to prevent state incursions into tribal economies
 - Treaty obligation of the United States in certain instances
 - Legislative history is extremely favorable for this initiative
- Activist SCOTUS judges ruined everything with bad federal common law decisions
- Overzealous regulators at both federal and state levels compounded the problem
- We can fix their mistakes and return control to “those who [have] the most at risk” – the tribes themselves
 - Give tribes the exclusive ability to tax and regulate trade and commerce that occurs on trust or restricted fee land (“Indian Lands”)
 - Allow tribes to opt-out of oppressive federal regulatory oversight of some or all of their Indian Lands
 - Replace an uncertain, race-based taxation system with a jurisdiction based system, just like all of the states have
- We will generate tens of billions in economic stimulus for Indian Country without spending a penny
 - Additionally, the federal government will save millions of dollars through the elimination of the oppressive regulatory burden
 - Critical for long-term viability of the Navajo Generating Station
- States will be substantially better off economically
- Relevant to Priorities 1(c), 2, 3(b), 4(a), 8, and 9



Indian Affairs

Ongoing Initiatives

Indian Trade and Commerce Regulations

- Dear Tribal Leaders letter with consultation draft goes out 12 July 2017
- First public presentation of this initiative at the Five Tribes Conference on 15 July 2017
 - Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Oklahoma
- 45 days of consultation, multiple field visits in the “Consultation Mobile”
- Proposed rule published 26 September 2017
- 60 days of consultation, multiple field visits in the “Consultation Mobile”
- Final rule published 21 December 2017 with tribal ceremony at Chaco Canyon National Historical Park
- Every day afterwards will be brighter in Indian Country





Indian Affairs

Ongoing Initiatives

Indian Trade and Commerce Regulations

- “To fight and conquer in all your battles is not supreme excellence; supreme excellence consists in breaking the enemy’s resistance without fighting” – Sun Tzu, The Art of War
 - “The skillful leader subdues the enemy’s troops without any fighting” – Sun Tzu, The Art of War
 - POTUS tweeted a slightly different translation on 17 July 2012
- States are not the enemy, but the economic myopia of the Tax Weevil is an enemy
- “The general who wins a battle makes many calculations in his temple before the battle is fought. ... Thus do many calculations lead to victory, and few calculations to defeat” – Sun Tzu, The Art of War
 - Macroeconomic modelling can demonstrate that states will be substantially better off under these revised regulations
 - Through consultation, Indian Country will provide the necessary quantitative and qualitative data
 - POTUS was briefed on two such examples by tribes at the Energy Roundtable on 28 June 2017
 - Harvard Project on American Indian Economic Development will also provide research support for this initiative
 - Policy paper already published that addresses some of the issues



Indian Affairs

Initiatives to Consider

(b)(5)



Land and Minerals Management



LANDS AND MINERALS MANAGEMENT



Update on Ongoing Projects

- All bureaus completing Energy Independence Executive Order 120-day draft report identifying burdens to domestic energy production – due by end of July
- OSMRE/FWS ESA Coordination post-Stream Protection Rule
- OSMRE/BLM Internal Review of the coal permitting/leasing
- BLM Internal Review of land use planning process – opportunities for streamlining
- Secretary's Order signed today – new report due from ASLM in 45 days on quarterly lease sales and strategy for permitting backlog

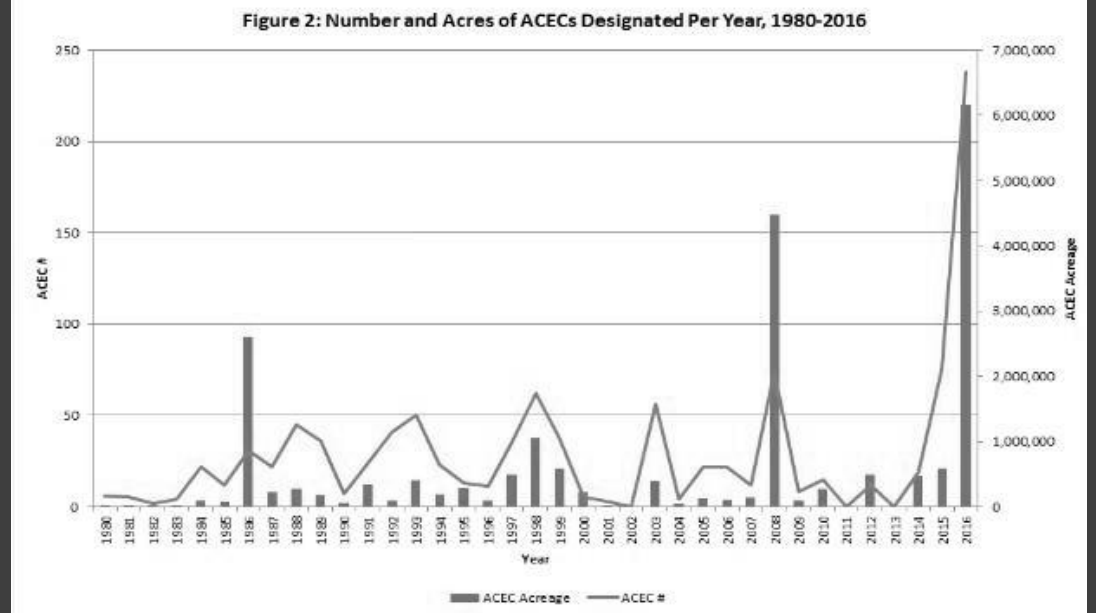
Onshore Oil and Gas Secretarial Order Today

FOCUS: Quarterly Lease Sales and Address Permitting Backlogs/Delays

“Lease sales shall be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary.” - Mineral Leasing Act

- FY16 – BLM canceled/postponed **11** lease sales
- FY16 – BLM offered the second lowest amount of acreage (1.98 million acres) for lease in 20 years; lowest was in 2011 (1.16 million acres)
- FY16 – BLM Average permitting time was **257** days; statute requires 30 day review.

Fiscal Year	Acres Offered	Acres Receiving Bids
1996	4,836,940	1,774,051
1997	5,210,179	2,577,546
1998	8,346,321	2,732,131
1999	2,877,044	1,319,354
2000	3,563,315	1,331,017
2001	6,174,181	2,499,578
2002	3,363,110	1,629,458
2003	2,839,984	1,521,710
2004	5,187,860	2,109,394
2005	3,264,841	2,181,674
2006	5,764,070	3,584,188
2007	4,939,469	2,880,375
2008	3,878,102	2,710,721
2009	3,803,635	1,819,234
2010	3,239,086	739,954
2011	1,158,808	880,895
2012	4,674,517	1,415,809
2013	5,746,874	1,082,007
2014	5,683,736	919,378
2015	4,017,062	624,976
2016	1,983,887	415,223





Increasing Timber Harvest on O&C Lands

Current Stats – Local Impact: 13 jobs/1 mmbf timber; 10-year avg. harvest: 215 mmbf/year (~2,800 jobs)
(Northwest Forest Plan)

2016 Resource Management Plans – Finalized August 2016

Projected annual harvest: 278 mmbf/year

- + 63 mmbf/year,
- + ~820 local jobs,

Maximum allowable harvest: 360 mmbf/year*

(*Allowable decadal average is 327 mmbf/year)

- + 145 mmbf/year
- + ~1,880 local jobs

- Under the new RMPs, approximately 80% of the O&C lands are designated as Reserves and 20% are identified for sustainable timber management.

Cascade Siskiyou National Monument – designated in 2000, expanded in 2017

O&C Lands in original designation: ~40,000 acres* O&C Lands in expansion: ~16,700 acres

**Commercial harvest of timber prohibited in original proclamation, except for “ecological restoration and maintenance or public safety”*



Congressional and Legislative Affairs



Congressional Affairs

Legislative Efforts

- **Budget Hearings Update**
 - June 8, 20, 21, 22 – HAC-I, SENR, SAC-I, House Natural Resources
 - Questions for the Record (All received and in progress)
- **Nominees**
 - Hotlined David Bernhardt
 - Next Steps: Doug Domenech, Brenda Burman
- **Legislative Priorities**
 - LWCF, BOR Fund, RESET, GOMESA/Revenue Sharing, ANWR (1002)
- **Upcoming Hearing Topics**
 - SCIA – Legislative Hearing, Indian Gaming Reform
 - HNR – Land Into Trust Policies, Offshore Energy Development, Hardrock Mining
 - SENR – Legislative Hearing



External and Intergovernmental Affairs



Office of External and Inter-Governmental Affairs OEIA

Topics:

- Governor Sandoval (NV) – Phoenix Mines
- Governor Mead (WY) – Compensatory Mitigation
- Governor Hickenlooper (CO) – Sage Grouse County Commissioners
- ESRI – Mapping
- Secretary of Education
- Official Photo



Solicitor



Office of the Solicitor

Office of the Solicitor

Update:

- M Opinion Suspension and Revocation



Communications



Communications

Secretarial Trips and Announcements

Focus & Themes

- Energy
- Monument Review
- Grants

Grants/Announcements

- Civil War Grants and POTUS Donation
- Onshore Energy SO Signed
- Maritime/Boating Grants (almost \$20m)
- Visiting Monuments in OR, NV, NM



Communications

Social Media: Energy Week



Participation: 8/9 bureaus highlighted #EnergyWeek
Tweets: 118 about Interior's energy work
Facebook posts: 66





Communications Press: Energy Week

Bloomberg -- U.S.'s Zinke on Importance of 'Energy Dominance'

E&E News -- Zinke's energy adviser touts new agency priority

Washington Times -- Paving the Path to U.S. Energy Dominance

Washington Examiner -- Interior starts process to expand offshore drilling plan

CNBC -- Interior Secretary Ryan Zinke on US energy dominance

Natural Gas Intelligence -- DOI Opening Public Comment Period for More Offshore Oil/Gas Leasing

World Oil -- BSEE says offshore oil and gas production contributes to America's energy future

Daily Caller -- The Western US's Largest Coal Plant has a 'Fighting Chance' of Survival

Daily Inter Lake -- Zinke Vows to Expand Energy Development

Notes Summary:

No speaker notes are contained in this presentation.

To: Gareth Rees[gareth_rees@ios.doi.gov]
Cc: Olivia Ferriter[Olivia_Ferriter@ios.doi.gov]; Cameron, Scott[scott_cameron@ios.doi.gov];
Elena Gonzalez[maria_gonzalez@ios.doi.gov]; Mary Pletcher[Mary_Pletcher@ios.doi.gov]
From: Holley, Amy
Sent: 2017-07-05T16:10:34-04:00
Importance: Normal
Subject: Slide for Tomorrow
Received: 2017-07-05T16:11:01-04:00
[ASPMB BiWeekly 07 05 17 .pptx](#)

Attached. Gareth, could you please share with Jim before we submit this to be sure I captured all of the information he wanted to include. Thank you!



Assistant Secretary—Policy, Management and Budget

- **Strategic Plan:**

Framework submitted to OMB June 30

Draft Plan Due to OMB with Budget Submission September 2017

Final Plan released with FY 19 Budget in February 2018

- **FY 2019 Budget Process:**

Meetings with Bureaus/Offices to discuss proposals week of June 13

- **Government Reform/Reorganization:**

Draft Agency Reform Plan and Workforce Planning Update submitted to OMB June 30

Review with OMB scheduled July 19

- **Infrastructure Initiative**

Draft legislation submitted to OMB

- **South Interior Building**

GSA occupancy agreement scheduled to terminate and OSMRE and BIA to be relocated by October 1

OSMRE raising concerns about timeline for moving

- **Senior Executive Service**

Making progress on directed reassignments/adjusting plans based on feedback

Notes Summary:

No speaker notes are contained in this presentation.

To: Aaron Thiele[aaron_thiele@ios.doi.gov]
Cc: Caroline Boulton[caroline_boulton@ios.doi.gov]
From: Rees, Gareth
Sent: 2017-07-05T16:19:13-04:00
Importance: Normal
Subject: Re: Reminder Bi-Weekly Briefing PPT
Received: 2017-07-05T16:19:20-04:00
[ASPMB BiWeekly 07 05 17 .pptx](#)

Here is PMB

On Wed, Jul 5, 2017 at 12:13 PM, Rees, Gareth <gareth_rees@ios.doi.gov> wrote:

Great. I have OMB updating their slide and will get to you shortly.

On Wed, Jul 5, 2017 at 11:48 AM, Aaron Thiele <aaron_thiele@ios.doi.gov> wrote:

I'll loop in Gavin and let him handle ASIA.

On Jul 5, 2017, at 11:38 AM, Rees, Gareth <gareth_rees@ios.doi.gov> wrote:

Aaron

Is Jim still doing ASIA or is Gavin Clarkson going to take over? I will work with PMB on their slide.

Thanks

On Wed, Jul 5, 2017 at 11:12 AM, Aaron Thiele <aaron_thiele@ios.doi.gov> wrote:

Hey everyone, just a reminder that I need everyone's slides for tomorrow asap. Thank you everyone who as already sent them.

--

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--

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- **Strategic Plan:**

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Notes Summary:

No speaker notes are contained in this presentation.

To: Michelle Brown[michelle_brown@ios.doi.gov]; Sarah Abdelrahim[sarah_abdelrahim@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov]; William Lukas[wlukas@usgs.gov]
From: Reaser, Jamie
Sent: 2017-03-27T13:48:04-04:00
Importance: Normal
Subject: For tomorrow: Prince William Sound Regional Citizens' Advisory Council meeting
Received: 2017-03-27T13:49:11-04:00
[Bios 3.17.17.pdf](#)
[Delegation Briefing and Discussion Topics 2017 FINAL.PDF](#)
[ICCOPR Briefing and Discussion Topics 2017 FINAL.PDF](#)
[Prince William Sound Oil Surrogates Workshop 2017 FINAL.PDF](#)
[PWSRCAC - The Basics and Current Initiatives 3.17.17.pdf](#)
[Memo on Murkowski Invasive Species Legislation.docx](#)

Scott, Bill, and Sarah:

Please find attached materials for tomorrow afternoon's meeting with the PWSRCAC. Five background documents have been provided by the Council: an overview of the PWSRCAC; Biographical sketches of the representatives from the PWSRCAC traveling to DC; topics for discussion with the Alaska Congressional delegation, congressional committee staff, and for use in discussions with the USCG and the National Pollution Funds Center, and the National Invasive Species Council; info for use in the ICCOPR meeting (of which DOI is a member); and info on a PWS Oil Surrogates Workshop.

I have also attached a backgrounder on Senator Murkowski's most recent invasive species actions. Members of the Council have had close ties with this office. The PWSRCAC coordinator, Roy Jones, suggests the following for a meeting format:

"

The approach used in past meetings (which we suggest we use for our visit) has been for the group to brief you on what they have been doing, problem areas, areas where they need assistance in terms of invasive species, and to hear from you on what the NISC is doing...how the two entities can make things better for the nation by impeding or preventing the spread of invasive species and how to deal with them once they do invade an area."

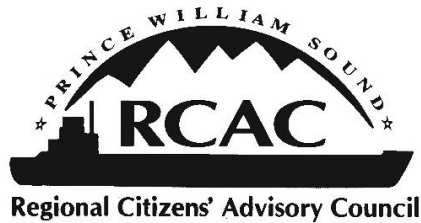
All the best,

Jamie

--

Jamie K. Reaser, PhD
Executive Director
National Invasive Species Council (NISC) Secretariat
US Department of the Interior
Office of the Secretary
1849 C Street NW
Washington, DC 20240
Phone: (1) 202.208.4113
Email: jamie_reaser@ios.doi.gov

"We can do this...."



Prince William Sound Regional Citizens' Advisory Council

The Council is an independent non-profit corporation guided by its mission: Citizens promoting environmentally safe operation of the Alyeska terminal and associated tankers.

Delegation Briefing and Discussion Topics

A. Commercial Vessel Incidental Discharge Act (S. 168): Increase in the Likelihood of the Introduction of Invasive Species in Alaska

The Commercial Vessel Incidental Discharge Act (VIDA) designates sole authority for regulating ballast water discharge standards and for approvals of existing and new types of ballast water management systems (known as type approvals) to the U.S. Coast Guard (USCG). Currently, that responsibility rests with the Environmental Protection Agency (EPA) and USCG.

VIDA would keep existing ballast water regulations issued under the National Aquatic Nuisance Prevention and Control Act of 1990 (NANPCA 90) in place for now, unless or until the regulations are replaced with new ones promulgated under VIDA. One of the primary effects of VIDA is that it extinguishes current EPA regulation of ballast water. Currently, EPA regulation of ballast water is conducted using a Vessel General Permit (VGP) issued pursuant to the Clean Water Act's National Pollutant Discharge Elimination System (NPDES).

Extinguishing VGP regulations would eliminate ballast water exchange and reporting requirements for crude oil tankers operating between Alaska and the U.S. West Coast. **This leaves Alaska vulnerable to increased introduction of invasive species.**

Many vessels are currently operating under extensions to the original USCG compliance deadlines for installing and operating ballast water management systems. Ballast water exchange remains a primary management method during this period. NANPCA 90, as amended by the National Invasive Species Act of 1996 (NISA), currently regulates ballast water exchange for vessels traveling between ports and for oil tankers entering U.S. waters after operating outside of the Exclusive Economic Zone.

The NISA requires oil tankers travelling from port to port to treat their ballast water for invasive species. However, Section 1001 (c) (2) (L) of NISA **exempts "coastwise" crude oil tankers** (tankers that travel between U.S. ports on the West coast) from this requirement. **The result of this exemption is that most oil tankers operating in Alaska are not subject to USCG ballast water regulation.** The EPA VGP program currently addresses this by regulating ballast water exchange beyond 50 nautical miles for Pacific nearshore voyages. Crude oil tankers operating between Alaska and the U.S. West Coast are presently subject to these regulations and **are required to exchange ballast water** in order to prevent the spread of invasive species.

The reporting requirements under VGP have provided a great deal of very important and useful information about ballast water exchange in and around Prince William Sound (PWS). This data would be lost if not required by the changes in VIDA. In effect, without VGP, **a regulatory gap for ballast water management by coastwise crude oil tankers will exist** during the period between

enactment of VIDA and the end of the current deadlines for installing and operating ballast water management systems. VIDA makes note of these extension periods but does not specifically provide instruction for ballast water management during this period.

The introduction of marine invasive species can potentially have extremely detrimental impacts on the environment, marine and terrestrial species, including fish and wildlife, the economy, and the livelihoods of Alaskans.

In the current situation, the “regulatory gap” for crude oil tankers travelling between Alaska and the West Coast could potentially last for years, especially if compliance deadlines for installing and operating ballast water management systems are extended again. Other similar regulations have taken as long as 18 years to be developed and promulgated.

Many “coastwise” crude oil tankers serving Alaska call upon ports such as San Francisco which is well known to be one of the most “invaded” ports in the world. The Prince William Sound Regional Citizens’ Advisory Council (PWSRCAC, or the Council) encourages the Alaska Delegation to consider ways in which the regulatory gap can be addressed. The Council looks forward to discussing this with the delegation and other federal officials. We would like to offer assistance in whatever ways may be constructive, helpful, and appropriate regarding how best to protect Alaska and its many industries dependent upon not having invasive species degrading the State’s natural resources.

PWSRCAC Comment and Recommendations: If VIDA is adopted, a ballast water regulatory gap for coastwise crude oil tankers will result, leaving Alaska vulnerable to the spread of invasive species. PWSRCAC has three primary concerns regarding coastwise crude oil tankers that it hopes the Alaska Delegation will take under advisement and attempt to address. Those concerns are:

1. Ensure that ballast water exchange is still required during the “regulatory gap;”
2. Ensure that ballast water management systems will ultimately be installed and operated on coastwise crude oil tankers; and
3. Ensure that ballast water exchange reporting requirements remain in place during the “regulatory gap” as well as ensure that ballast water reporting requirements as currently managed under the Ballast Water Information Clearinghouse process continue to be required over the long term when ballast water management systems are installed and operated on coastwise crude oil tankers.

B. Oil Spill Liability Trust Fund (OSLTF)

Following the 1989 EVOS incident, Congress enacted the Oil Pollution Act of 1990 (OPA90) and also authorized the use of the OSLTF. Although established in 1986, the OSLTF’s authorization to use money or collect revenue necessary for maintenance of the OSLTF was not achieved until passage of OPA90. OPA90 also consolidated compensation and liability requirements of key prior federal oil pollution laws and related funds: the Federal Water Pollution Control Act, the Deepwater Port Act, the Trans-Alaska Pipeline System Authorization Act, and the Outer Continental Shelf Lands Act.

The OSLTF was established to provide funds that would be available to pay for oil removal and cleanup costs in coastal and inland navigable waters. This fund covers the initial cost of responding to an oil spill and allows immediate action to take place while the responsible party is identified.

The Government Accountability Office (GAO) completed a report in 2015 exploring the adequacy of the OSLTF to serve its intended purpose [GAO-15-682, "Improved Controls Needed for Oil Removal Disbursements and Action Needed for Sustainable Funding", dated September 15, 2015].

The GAO recommended that **"Congress should consider options for sustaining the Fund, as well as the optimal level of funding, to address uncertainty regarding future funding."** The GAO report concluded that:

1. **"National Pollution Fund Center (NPFC) has an opportunity to improve its internal controls for processing oil removal disbursements by developing and updating policies and procedures."**

The GAO report contained a series of recommendations regarding "Improved Controls Needed for Oil Removal Disbursements..." On September 3, 2015, the Director, Departmental GAO-OIG Liaison Office, Department of Homeland Security (DHS), wrote to the GAO to offer comments to the draft report regarding seven of the report's recommendations. The Department **concurred** in those seven recommendations.

PWSRCAC Comment and Recommendations: The internal controls being developed and updated as the GAO report recommends would be a positive step forward thereby ensuring that the recommendations of the GAO have been implemented as concurred with by the DHS in its letter to the GAO cited above on the draft report.

2. **"... the per-barrel oil tax is set to expire in 2017, creating uncertainty with regard to future funding. Given this, it will be important for Congress to determine what mechanism it would like to rely on to provide sustained funding for the Fund. . . Congress should consider the options for sustaining the Oil Spill Liability Trust Fund as well as the optimal level of funding to be maintained in the Fund . . ."**

PWSRCAC Comment and Recommendations: To address certain key issues raised in the GAO report and the report's recommendations as well as relevant issues gleaned from the Council's experience with oil spills, our nation would benefit substantially if it decided to **consider the reauthorization of the OSLTF**. Reauthorization of the OSLTF before it is scheduled to expire at the end of 2017 would be very helpful to all stakeholders - government regulators, industry, and the public. It would provide for certainty in terms of the availability of resources to help respond, clean up and prevent oil spills.

C. Upcoming Tug and Barge Contract Change

By July of 2018, Edison Chouest Offshore (ECO) of Louisiana will be the marine services contractor for oil tankers and the terminal in Prince William Sound (PWS). Until then, Alyeska Pipeline Service Company (Alyeska) and ECO will be working with Crowley Maritime, the contractor who currently provides those services, on a smooth transition between the two contractors. Monitoring this transition is a high priority for PWSRCAC, as it is **the most significant change in oil spill prevention and response equipment and personnel since the system was created**.

Services provided by this contract include operation of the key oil spill prevention and response assets for PWS, including escort tugs, general purpose tugs, oil recovery storage barges, and associated personnel.

Two escort tugs accompany every laden tanker through PWS. One tug is tethered through the confined waterways, while the other tug follows the tanker closely. Then, one tug stands by at the entrance to PWS until the tanker is 17 miles into the Gulf of Alaska. The primary responsibilities of these escort tugs are to rescue or “save” a tanker that may experience problems, to prevent oil from spilling, and to initiate response efforts should these prevention measures fail.

PWSRCAC’s understanding and expectation is that the new services will meet or exceed the current system, with several technological enhancements. This transition provides an opportunity to improve upon existing capabilities, and Alyeska has made a commitment for the Council to be involved in the transition planning process.

The most notable improvements in the transition include construction of one utility vessel, five new escort tugs, four new general purpose tugs, and four new open-water response barges, all purpose-built for service in PWS. Tugboat duties include escorting and docking tankers, towing response barges, and general use as appropriate. In some cases, the new general purpose tugs will replace existing conventional tugs that are over 40 years old. The escort tugs will be equipped with render-recover winches, a sophisticated technology that automatically maintains constant tension on a line, improving safety and performance during towing. Another upgrade to the escort tugs is the addition of forward-looking infrared and digital radar signal processing systems to improve the detection of icebergs as an oil spill prevention measure, as well as to enhance the ability to detect spilled oil on water should prevention measures fail.

PWSRCAC is currently reviewing vessel and barge specifications and developing recommendations on equipment capabilities and processes for incoming crews. The goal is to ensure the equipment can safely operate in Alaska waters and the crews are adequately trained and qualified before the new contract starts. While the Council is confident that ECO’s personnel are knowledgeable and competent, we are concerned about a large changeover in such a short amount of time. Use of unfamiliar equipment in a harsh environment could be challenging. The transition process needs to be handled very carefully to maintain the level of prevention and response capabilities in place today. A strong pre-qualification process needs to take place before the changeover occurs, ensuring crews maintain operational readiness in PWS and Gulf of Alaska conditions.

As the Council was created to involve citizens in decisions that impact the safe transportation of oil, our members have local knowledge and input that are essential to ensuring the strongest possible oil spill prevention and response system is in place to protect our waters. PWSRCAC is committed to working with Alyeska and the regulators to ensure that the level of safety and care for oil spill prevention and response is not weakened as a result of the upcoming transition.

PWSRCAC Comment and Recommendations: The Council recommends that state and federal regulatory agencies closely monitor this transition and **require the same verification of performance capabilities and high standards** as Crowley has been held to in past years. Additionally, we recommend the Congressional Delegation monitor factors, such as possible reductions in EPA, National Oceanic and Atmospheric Administration (NOAA), and USCG funding, as well as the Alaska Department of Environmental Conservation (ADEC) Division of Spill Prevention and Response’s (SPAR) budget, which may **adversely affect or weaken the spill prevention and response improvements, including strong regulatory oversight put in place since the *Exxon Valdez* oil spill.**

D. ADEC SPAR Funding Concerns

Although it is primarily a State issue, PWSRCAC has serious concerns about the State's ability to maintain adequate staffing levels and resources at the SPAR Division of ADEC. The most obvious and immediate of those concerns is the pressure on all state agencies to significantly reduce their budgets. An accident involving oil transportation would be a financial burden not only to industry, but to both state and federal governments. Prevention should be the primary goal, as cleaning up a spill is substantially more difficult and expensive than any effort taken to prevent it. A large spill can also cause irreparable damage to the environment and the socio-economic well-being of impacted communities.

SPAR recently underwent an organizational restructuring that ADEC stated was intended to make the agency more efficient and better able to respond to incidents. While improving coordination between planners and responders is beneficial, PWSRCAC remains concerned about staff cutbacks (four positions and two engineers), vacant positions not being filled, reassignments, loss of institutional knowledge and experience, and reduced training opportunities.

In 2015, the Alaska legislature directed ADEC to develop a plan to reduce the cost of oil spill response drills and exercises (2016 CCS HB 2001 and 2015 HB 72). Imposing additional budgetary restrictions on SPAR risks rolling back the environmental protections that have been in place since the 1989 *Exxon Valdez* oil spill (EVOS). **PWSRCAC does not support any reduction in oil spill drills and exercises.** Additional risk factors for the SPAR budget include the introduction of foreign-flagged vessels, low oil prices, decreased throughput in the pipeline, transition of the marine services contractor in PWS, and the potential reduction or elimination of federal funds for oil spill prevention and response.

PWSRCAC is urging federal regulatory agencies to closely monitor the current situation regarding EPA, NOAA, and USCG funding, as well as the State of Alaska's efforts as it deals with significant budgetary challenges.

We all share the responsibility to make sure that the protections put in place after EVOS are not weakened, and to promote and maintain the best possible oil spill prevention and response system to protect the environment, economy, and social well-being of Alaskans.

PWSRCAC Comment and Recommendations: The Council recommends that federal regulatory agencies factor into their work how the State of Alaska's fiscal crisis, current freeze of EPA grants, and/or budget reductions to EPA, NOAA, or USCG might adversely impact oversight of oil transportation and thereby be better prepared to help address oversight and monitoring gaps, if they emerge.

For further information contact:
 Brooke Taylor – Director of External Communications
brooke.taylor@pwsrcac.org 907-273-6228

In Anchorage: 3709 Spenard Road Suite 100, Anchorage AK 99503 907-277-7222 or 800-478-7221
 In Valdez: P.O. Box 3089/130 S. Meals Suite 202, Valdez AK 99686 907-834-5000 or 877-478-7221

To: Mary Pletcher[mary_pletcher@ios.doi.gov]
From: Raymond Limon
Sent: 2017-03-15T17:14:51-04:00
Importance: Normal
Subject: Fwd: URGENT: New Acting Director
Received: 2017-03-15T17:14:53-04:00

Mary

Please see below. I spoke to Jonathan. Perhaps Jody can write a "memo to the file" so we (DOI) have something in the record. Just concerned about delegations of authority for BLM and who is entrusted to "sign off" on things. Did you want to follow up with Jody???

Ray

Sent from my iPhone

Begin forwarded message:

From: Jonathan Mack <jonathan_mack@ios.doi.gov>
Date: March 15, 2017 at 4:59:09 PM EDT
To: Raymond Limon <raymond_limon@ios.doi.gov>
Cc: Michelle Oxyer <michelle_oxyer@ios.doi.gov>
Subject: Re: URGENT: New Acting Director

Ray, please call 202-253-8341

Sent from my iPad

On Mar 15, 2017, at 4:47 PM, Raymond Limon <raymond_limon@ios.doi.gov> wrote:

Advice?

Sent from my iPhone

Begin forwarded message:

From: "Hudson, Jody" <jhudson@blm.gov>
Date: March 15, 2017 at 4:36:30 PM EDT
To: Raymond Limon <raymond_limon@ios.doi.gov>
Subject: URGENT: New Acting Director

Hi Ray,

Assistant Secretary Cassen (sp?) came over and announced Kristin is being replaced with Michael Nedd as acting Director starting tomorrow.

Given our Exec Resources positions are all vacant, we are scrambling to understand what we need to do to effect this. Do you know if this needs to go through the Department's ERB? Or, is there a more streamlined approach we can follow. Any guidance/help would be most appreciated.

Best

Jody L. Hudson

Assistant Director Human Capital Management
Bureau of Land Management
U.S. Department of Interior
1849 C St NW (RM 5611)
Washington D.C., 20240
Office - 202-208-7304
Cell - 201-669-6317

To: Rateike, Bradley A. EOP/WHO[Bradley.A.Rateike@who.eop.gov]; Dorr, Kaelan K. EOP/WHO[Kaelan.K.Dorr@who.eop.gov]; Love, Kelly A. EOP/WHO[Kelly.A.Love@who.eop.gov]
Cc: Heather Swift[heather_swift@ios.doi.gov]; Douglas Domenech[douglas_domenech@ios.doi.gov]
From: Rigas, Laura
Sent: 2017-06-07T15:59:11-04:00
Importance: Normal
Subject: Zinke Testimony -- House Appropriations
Received: 2017-06-07T15:59:19-04:00
Final Testimony Secretary Zinke 2018 Budget.docx
Oral Statement June 8 House Interior Hearing REVISED FINAL 6.6.17 5pm.docx

Hi all -- attached please find the Secretary's oral and written testimony for tomorrow.
Thanks!
My best,
Laura

**STATEMENT OF RYAN ZINKE, SECRETARY OF THE INTERIOR
BEFORE THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
ON THE 2018 PRESIDENT'S BUDGET REQUEST**

Mr. Chairman, Ranking Member McCollum, and Members of the Subcommittee, I am pleased to appear before you today to discuss the 2018 President's Budget for the Department of the Interior which provides \$11.7 billion for Interior's programs. The budget also requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Of Interior's total request, \$10.6 billion is within the jurisdiction of this subcommittee, a decrease of \$1.4 billion or 12 percent compared to the 2017 Annualized Continuing Resolution, and a decrease of \$1.6 billion or 13.4 percent below 2017 enacted. Because of the timing between enactment of the FY 2017 Omnibus Appropriations Act and submission of the FY 2018 President's Budget, my statement compares requested funding to the FY 2017 Annualized Continuing Resolution unless otherwise noted.

2018 Budget Priorities

The 2018 budget for the Department of the Interior features targeted investments to further the Administration's America First national energy goals. At the same time, this budget reflects the President's commitment to fiscal responsibility – proposing sensible and rational reductions and making hard choices to reach a balanced budget by 2027.

Across Interior's diverse mission, this budget emphasizes the Department's crucial role in promoting economic growth. America's lands hold tremendous job-creating assets. Visitors to our parks spend more than \$18.4 billion in local gateway communities, supporting approximately 318,000 jobs and contributing \$34.9 billion into the national economy according to the 2016 *National Park Service Visitor Spending Effects Report*.

In 2016, Interior's energy, mineral, grazing, and forestry activities resulted in \$8.8 billion in revenue to the American people, including direct revenue payments to States, Tribes, and local communities. These same activities supported \$136 billion in economic output. In addition, direct grants and payments to States, Tribes, and local communities provided an estimated \$10 billion in economic output.

The Department's 2018 budget reflects the Administration's commitment to strengthen America's economic and energy security, focus on the Nation's infrastructure, be responsible stewards of magnificent lands, encourage public access for outdoor recreation, and strengthen tribal sovereignty and support self-determination.

America's Energy

The Department of the Interior is the steward and manager of America's natural resources including oil, gas, coal, hydropower, minerals and renewable energy sources. The Department has a critical role to play in the future energy security of our Nation as well as our overall economic well-being. American energy resources create jobs and generate significant revenue both to the U.S. Treasury and States. This budget proposes \$791.2 million in current and permanent funding for energy related programs across the Department, an increase of \$16.3 million from 2017. Interior's 2018 budget supports an "all-of-the-above" energy development strategy, increasing funding for onshore and offshore oil and gas, strengthening coal management activities, and sustaining the current pace of renewable energy development.

The budget reflects the importance of offshore energy production to America's economic and energy security. The 2018 budget shores up offshore oil and gas programs with appropriated funding to continue a strong offshore program. The request for the Bureau of Ocean Energy Management features a \$10.2 million increase to update the Five-Year Outer Continental Shelf Oil and Gas Leasing Program, consistent with the President's Executive Order *Implementing an America-First Offshore Energy Strategy* to expand offshore oil and gas exploration and production. The 2018 budget for the Bureau of Safety and Environmental Enforcement includes a \$1.2 million increase to focus on workforce training, permitting, and information technologies to better permit exploration, development, and production operations.

Onshore, the budget requests a \$16.0 million increase for the Bureau of Land Management's oil and gas management program, providing a total of \$75.9 million in appropriated funds focused on improving oil and gas permit application processing, streamlining leasing, and modernizing practices. The budget also includes \$19.0 million for the BLM coal management program, an \$8.0 million increase to reduce administrative processing times, simplify the lease application process, and improve the timeliness to complete lease sale fair market value determinations.

The 2018 budget includes \$78.1 million for Renewable Energy programs both on and offshore. Although a reduction from prior years, this funding level will sustain the current pace of development at a level consistent with anticipated project interest.

To ensure the public continues to receive the full value of natural resources production on Federal lands, in April, I signed a charter establishing a Royalty Policy Committee of 28 local, tribal, State, and other stakeholders to advise me on the fair market value of and revenue collection from Federal and Indian mineral and energy leases, including renewable energy sources.

The Nation's Infrastructure

Interior plays an important role in maintaining and improving the Nation's infrastructure. Interior's national role includes managing significant real property assets as well as conducting reviews and processing permits to support national infrastructure development as part of a balanced multiple land use strategy.

Interior's 2018 budget maintains the 2017 level of \$98.8 million for Fish and Wildlife Service planning and consultation activities. This level maintains the FWS capability to meet its legal consultation requirements and avoid logjams that could delay infrastructure projects and associated economic benefits. The BLM budget also directs base funding to address siting for energy transmission projects, and proposes an increase in the oil and gas management program to facilitate rights-of-way associated with energy development projects.

Interior manages an infrastructure asset portfolio with a replacement value exceeding \$300 billion, ranging from elementary and secondary schools serving Indian children, to highways and bridges serving the daily commuting needs of the Washington, D.C., metropolitan area. Interior owns approximately 43,000 buildings, 100,000 miles of road, and 80,000 structures – including iconic landmarks, as well as dams, bridges, laboratories, employee housing, and irrigation and power infrastructure. Taking care of this significant asset portfolio is a persistent challenge. Interior's deferred maintenance backlog has grown to over \$15 billion in 2016. Construction and maintenance funding across the Department totals \$1.4 billion in 2018, not including the Bureau of Reclamation.

From my first day on the job, one of my top priorities has been to prioritize efforts to address the National Park Service maintenance backlog. Our National Parks have 73 percent of Interior's deferred maintenance backlog while hosting 324 million visitors last year. The 2018 budget for NPS includes \$236.3 million for construction and deferred maintenance projects, an increase of \$21.0 million from 2017. Total estimated funding for NPS maintenance and construction needs including estimated recreation fee revenue is \$765.7 million, an increase of \$34.7 million from FY 2017. This increase will support targeted and measurable upgrades to a number of the NPS' highest priority assets including the first phase of repairs to the Arlington Memorial Bridge project.

America's Lands

In my first days in office, I issued two Secretarial Orders to expand access to public lands and increase hunting, fishing, and recreation opportunities nationwide. The 2018 budget includes \$4.4 billion for Interior's land management operations in the NPS, FWS, and the BLM, a reduction of \$354.3 million from 2017. This includes funding for operational programs as well as management and maintenance of the national parks, national wildlife refuges, and BLM's network of national conservation lands. Within land management operations, the budget prioritizes funding to protect and conserve America's public lands and natural resources, provide access to public lands for the next generation of outdoor enthusiasts, and ensure visitor safety.

To support land management priorities, funding for lower priority activities, such as Federal land acquisition projects, is reduced. The 2018 budget emphasizes taking care of our current assets, rather than adding more by purchasing new land. Accordingly, the budget for land acquisition programs is \$54.0 million, \$129.1 million below 2017. A small amount of funding is maintained in each bureau for emergencies or acquisition of inholdings needed to improve management of established areas or to increase public access.

To better manage and balance these responsibilities, the Department relies on its front-line land managers, field scientists, and partners to monitor, assess, and collect information about the status of resource conditions. Interior's U.S. Geological Survey is the Nation's leading source of expertise in earth and natural sciences and works closely with other Interior bureaus and State, local, tribal and other Federal partners to help resource managers adapt to changing conditions on the ground. The 2018 budget includes \$922.2 million for USGS programs, to focus on core science activities including land and water resources, energy and minerals, mapping, ecosystems, invasive species, natural hazards, and environmental health.

The 2018 request budgets responsibly for the Payments in Lieu of Taxes program. The budget includes \$397 million for these payments as part of the discretionary request, to ensure continued support to the communities neighboring Interior and other Federal lands without assuming enactment of separate legislation. The 2018 level for PILT is reduced 12 percent below the 2017 CR level, consistent with the total reduction in the Interior budget.

A key component of Interior's land stewardship is management of wildland fire. The 2018 budget provides \$389.4 million for wildfire suppression – the full 10-year average of suppression expenditures. This level of funding is projected to be sufficient to meet fire suppression needs in an average fire season without the risk of needing emergency transfers from other departmental accounts.

The 2018 budget also continues efforts to address the challenges of water availability and drought conditions. Within the jurisdiction of the Energy and Water Development Subcommittee, the budget invests \$1.1 billion in Reclamation water resources to ensure millions of customers continue to receive the water and power that are the foundation of a healthy economy.

America's Trust Responsibilities

Interior maintains strong and important relationships with Native and insular communities, helping to promote efficient and effective governance and to support nation-building and self-determination. The Department provides services directly, or through contracts, grants or compacts, to 567 federally recognized Tribes with a service population of nearly two million American Indians and Alaska Natives. The budget prioritizes support for programs serving the broadest service population and proposes reductions in initiatives that are more narrowly focused. The President's budget maintains the Administration's strong support for the principle of tribal self-determination, and efforts to strengthen tribal communities across Indian Country. The budget includes full funding for Contract Support Costs and Tribal Grant Support Costs that Tribes incur from managing Federal Indian programs.

The 2018 budget request includes \$786.4 million to continue support for core Indian education programs, including formula funding and operation and maintenance funding for elementary and secondary schools, and support for post secondary programs. The 2018 budget continues to meet Federal responsibilities outlined in enacted land and water rights claim settlements with Indian Tribes, and includes \$160.8 million for authorized settlements and technical and legal support involving tribal water rights, to maintain the Department's ability to complete these settlement requirements within the statutory timeframes.

In recognition of the importance of the Nation's relationship with Palau and the Pacific national security strategy, the budget requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Management and Reform

As part of the President's March 2017, Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch, the Administration launched a government-wide effort to create a leaner, more efficient, and more responsive government. The Order directs agencies to begin planning to operate at the funding levels in the 2018 budget and develop a broader Agency Reform Plan to address long-term workforce reductions. Interior is moving prudently with implementation and has put in place hiring controls to enable limited hiring, prioritizing filling field positions rather than office positions, and limiting hires in the Washington, D.C., and Denver, Colorado, areas. This process enables the Department to continue to fill important positions as work is underway to develop a comprehensive and thoughtful agency plan.

The 2018 budget reduces lower priority programs \$1.6 billion below 2017 and supports 59,968 full time equivalents. This represents an estimated reduction of roughly 4,000 full time equivalent staff from 2017. To accomplish this, the Department will rely on a combination of attrition, reassignments, and separation incentives. Actual attrition rates and acceptance of separation incentives will determine the need for further action to reduce staffing.

Reducing Interior's physical footprint and seeking ways to consolidate space and resources will continue to be management objectives going forward. Efforts will build on several multi-year actions to reduce Interior's nationwide facilities footprint and improve the efficiency and effectiveness of its information technology infrastructure and financial reporting capabilities. Ensuring Interior's cybersecurity strength continues to be a priority. The 2018 budget maintains \$10.0 million in the appropriated working capital fund to continue the Department's remediation of its cybersecurity systems and processes.

Bureau Highlights

Bureau of Land Management – The 2018 request for the BLM is \$1.1 billion, a decrease of \$162.7 million below the 2017 CR level and \$180.5 million below the 2017 enacted level. The budget proposes \$963.2 million for Management of Lands and Resources and \$89.8 million for Oregon and California Grant Lands, BLM's two primary operational appropriation accounts.

The BLM request features increases in oil, gas and coal management programs reflecting national energy security priorities. The budget proposes \$75.9 million for Oil and Gas Management to support permitting and rights-of-way processing, streamline leasing, and modernize practices. The budget also includes \$19.0 million to strengthen BLM's Coal Management program, an increase of \$8.0 million from 2017.

To maintain the BLM's land stewardship responsibilities, the budget includes \$67.8 million for Rangeland Management and \$70.7 million for the Wild Horse and Burro Management program. As part of a broader effort to consider all necessary options to manage the unsustainable growth of this program, the budget proposes to eliminate current appropriations language restricting the BLM's ability to use the tools provided in the Wild and Free-Roaming Horse and Burro Act and enable BLM to manage on-range herds more effectively and humanely. The budget also proposes \$47.2 million for Recreation Resources Management and \$27.7 million to continue support for the National Conservation Land areas.

The budget includes \$89.8 million for the Oregon and California Grant Lands programs. At this level, the budget prioritizes offering the allowable sale quantity in new resource management plans.

Mineral development on Federal lands is important to the national economy. However, a long-standing challenge is to provide a fair return to taxpayers for the use of these natural resources without discouraging development. To meet this challenge, the Department will conduct a study starting in 2017 to evaluate the production and development of hardrock minerals from Federal lands. The review will include an analysis of revenue recovered by other entities, including other countries, which permit mining on their land. The Department will also consult with other appropriate agencies, such as the Department of Agriculture. The findings will be considered as part of ongoing efforts to improve agency management and streamline permitting related to natural resources produced from Federal lands.

Bureau of Ocean Energy Management – The 2018 President's budget for BOEM is \$171.0 million, slightly above the 2017 CR level, including \$114.2 million in current appropriations and \$56.8 million in offsetting collections from rental receipts and cost recoveries. The budget maintains a level program by increasing appropriated funding by \$35.5 million to address a commensurate shortfall in estimated offsetting rental receipts and cost recoveries. The 2018 budget features a \$10.2 million increase to support the development of a new Five-Year Plan for the OCS Oil and Gas Leasing Program.

Bureau of Safety and Environmental Enforcement – The 2018 President's budget request for BSEE is \$204.9 million, slightly above the 2017 CR level, including \$112.0 million in current appropriations and \$92.9 million in offsetting collections from rental receipts, cost recoveries, and inspection fees. The budget maintains a strong offshore safety and environmental enforcement program by increasing appropriations and estimated inspection fee revenue to address anticipated shortfalls in offsetting rental receipts and other cost recoveries. The 2018 budget includes a \$1.2 million increase for technical training to expand staff development efforts for BSEE's inspector, engineer, and geoscientist workforce, and \$12.7 million for oil spill research, a reduction of \$2.2 million from 2017.

Office of Surface Mining Reclamation and Enforcement – The 2018 budget request for OSMRE is \$129.4 million in current appropriations, \$110.7 million below the 2017 CR level. The majority of this reduction reflects the elimination of \$89.9 million for Abandoned Mine Lands Economic Development Grants. Although beneficial, funding for this pilot program overlaps with existing mandatory Abandoned Mine Lands grants which continue without any

proposed changes. The budget includes \$60.2 million for State and tribal regulatory grants, a level consistent with anticipated State and tribal program obligations.

U.S. Geological Survey – The 2018 budget request for the USGS is \$922.2 million, \$137.8 million below the 2017 CR level. The budget includes \$70.9 million for satellite operations, which supports continued development of the Landsat 9 ground systems, supporting a launch date in early fiscal year 2021 to replace the Landsat 7 satellite, which is reaching the end of its usable life.

The request emphasizes energy and mineral development, supporting essential hazards monitoring, and providing scientific information to support decision making by resource managers and policy makers. The budget maintains support for nationwide networks of more than 8,000 streamgages and nearly 3,000 earthquake sensors. The request provides \$17.3 million for nationwide efforts to counter invasive species and wildlife diseases such as white-nose syndrome and highly pathogenic avian influenza, and the budget maintains \$17.3 million for 40 cooperative research units that support State-specific needs, particularly related to fish and game species. It continues acquisition of modern elevation data for Alaska and the three-year cycle of topographic map updates for the contiguous United States.

The 2018 request proposes to realign the 2018 budget structure to create a new Land Resources activity to reflect focused science related to on-the-ground land management and adaptive management challenges. As part of this request, the budget proposes \$17.4 million for the National and Regional Climate Adaptation Science Centers, reflecting the proposed consolidation of eight regional centers to four.

Fish and Wildlife Service – The 2018 President's budget requests \$1.3 billion for FWS programs, a decrease of \$202.9 million from the 2017 CR level. The budget includes \$1.2 billion for FWS operations, a decrease of \$85.3 million below 2017. Within Resource Management, the budget prioritizes funding to maintain operations and maintenance for the National Wildlife Refuge System (\$470.1 million) and the National Fish Hatchery System (\$51.9 million). Funding will continue operations for all refuge areas and hatchery sites.

The budget includes \$225.2 million for Ecological Services programs with an emphasis on species recovery and planning consultation activities. Consistent with efforts to focus adaptive management related science within the USGS, the request proposes to eliminate funding for Science Support at \$17.0 million and Landscape Conservation Cooperatives at \$13.0 million.

The budget is \$118.6 million for FWS conservation grants including \$52.8 million for State and Tribal Wildlife Grants, \$33.6 million for the North American Wetlands Conservation Fund, \$19.3 million for the Cooperative Endangered Species Conservation Fund, \$9.0 million for the Multinational Species Conservation Fund, and \$3.9 million for Neotropical Migratory Bird Conservation. Consistent with decreases in other land acquisition programs across the Department, the request proposes to eliminate funding for Cooperative Endangered Species Conservation Fund land acquisition grants.

National Park Service – The 2018 President’s budget request for NPS is \$2.6 billion, \$296.6 million below the 2017 CR level.

The budget proposes \$2.2 billion for NPS operations. Within this account, funding is prioritized for the care and maintenance of existing resources. The budget includes \$99.3 million for repair and rehabilitation projects, which addresses the deferred maintenance backlog, as well as \$112.7 million for cyclic maintenance projects, which ensures maintenance is conducted in a timely fashion to avoid increasing the deferred maintenance backlog.

The budget proposes \$226.5 million for Construction projects, an increase of \$34.0 million to help address deferred maintenance and allow for targeted and measurable upgrades to a number of the NPS’s highest priority assets. Within this request is \$18.2 million for phase one construction requirements for the Arlington Memorial Bridge. Also included in the request is \$15.0 million in appropriated funds for the Centennial Challenge program to provide the Federal match to leverage partner donations for signature projects and programs. An additional \$15.0 million from fee revenue is also anticipated for 2018 to support Centennial projects.

The request provides \$37.0 million for National Recreation and Preservation programs to support local community efforts to preserve natural and cultural resources. The budget assumes savings of \$18.8 million from the proposed elimination of payments to National Heritage Areas. The 2018 budget includes \$51.1 million for the Historic Preservation Fund core grants-in-aid programs. The budget proposes to shift support for Land and Water Conservation Fund State Grants from appropriated to mandatory funding comparable to an estimated \$90 million the program will receive from oil and gas activities from certain Gulf of Mexico offshore leases.

Indian Affairs – The 2018 President’s budget request for Indian Affairs is \$2.5 billion, \$303.3 million below the 2017 CR level. Funding for Operation of Indian Programs totals \$2.1 billion, a decrease of \$181.1 million below 2017. In 2018, priority is given to programs serving the broadest audience rather than initiatives or pilots. Within this total is \$786.4 million for Bureau of Indian Education programs where funding focuses on direct school operations and full funding for Tribal Grant Support Costs. The main operating account also includes \$349.3 million for Public Safety and Justice programs and \$277.5 million for Trust Services programs, which includes the elimination of the Tribal Climate Resilience program.

The budget fully funds Contract Support Costs at \$241.6 million, \$35.4 million below 2017, which will cover all anticipated requirements at the requested program funding level. The budget requests \$143.3 million for Construction programs. The 2018 budget prioritizes dams, irrigation projects, and irrigation systems which deliver water to aid economic development as well as protect lives, resources, and property. The budget prioritizes funding within education construction for operations and maintenance of existing facilities. The budget also includes \$14.0 million to provide payments to ongoing Indian Land and Water settlements and \$6.7 million for the Indian Guaranteed Loan Program.

Departmental Offices

Office of the Secretary – The 2018 budget request for Departmental Operations is \$123.9 million, \$596.5 million below the 2017 CR. The majority of this reduction is \$451.1 million associated

with the shift of the Payments in Lieu of Taxes program which was appropriated within Departmental Operations in 2017. In 2018, the budget proposes to fund PILT as discretionary funding within Department-wide Programs. The budget also reflects the proposed transfer of \$140.3 million associated with the Office of Natural Resources Revenue to a new appropriation within Department-wide Programs. The proposed transfer of ONRR funding will increase transparency in the budget for the Department's energy revenue programs. The 2018 request for remaining Office of Secretary programs reflects a reduction of \$4.0 million from central program management activities across the Office of the Secretary organization. Of this, \$2.6 million is associated with reductions to the Office of Valuation Services consistent with the proposed Department-wide decrease for new land acquisition.

Office of Insular Affairs – The 2018 OIA budget request is \$84.3 million, \$19.0 million below the 2017 CR. In addition, the majority of OIA's budget proposal reflects a request to fully fund the renegotiated Compact with Palau by transferring \$123.9 million from the Department of Defense, rather than \$13.1 million in extended incremental annual payments. The Compact is an important element of the Pacific national security strategy.

Office of the Solicitor – The 2018 budget proposes \$65.7 million for the Office of the Solicitor, the same as the 2017 CR level, to provide legal counsel, administer the Department's ethics program, and help resolve legal issues among bureaus and offices as they fulfill their duties.

Office of Inspector General – The 2018 budget proposes \$50.0 million for the Office of Inspector General, the same as the 2017 CR level, to continue support for audit and investigations across the Department.

Office of the Special Trustee for American Indians – The 2018 budget requests \$119.4 million for OST, \$19.4 million below the 2017 CR level. The budget proposes a \$3.7 million reduction below 2017 in Field Operations reflecting prioritization of services to continue operations at the beneficiary call center. A reduction of \$3.1 million is proposed within Historical Trust Accounting in expectation of reduced requirements. Smaller additional reductions are taken across the organization.

Department-wide Programs

Payments in Lieu of Taxes – The 2018 budget proposes \$396.9 million in discretionary funding for PILT, a decrease of \$54.3 million from the comparable 2017 CR level of \$451.1 million appropriated in Departmental Operations in 2016. This is a reduction of 12 percent, commensurate with the Department of the Interior's overall reduction from 2017 CR budget levels.

Office of Natural Resources Revenue – The 2018 budget request includes \$137.8 million for ONRR's receipts management programs, a decrease of \$2.5 million below the comparable 2017 CR level of \$140.3 million. The 2018 budget request proposes to transfer ONRR's receipts management program from the Office of the Secretary's Departmental Operations account to a separate appropriation within Department-wide Programs to increase transparency of the program. The request includes \$3.5 million for anticipated contract cost increases for the Minerals Revenue Management Support System.

Central Hazardous Materials Fund – The 2018 budget requests \$2.0 million for the Central Hazardous Materials Fund, \$8.0 million below the 2017 CR. The budget request funds program management and legal staff. The program will fund the highest priority remediation projects based on the availability of recoveries and focus resources on remediation projects with potentially responsible parties.

Wildland Fire Management – The 2018 budget request for the Wildland Fire Management Program is \$873.5 million. The total request represents a decrease of \$118.3 million from the 2017 CR level for the Wildland Fire Management and FLAME accounts. At this level the request provides \$389.4 million for Suppression Operations to fully fund the 10-year average. To streamline financial management processes and improve the efficiency in allocating suppression funding, the Department proposes to fund all suppression activities in the Wildland Fire Management account and eliminate the separate FLAME Wildfire Suppression Reserve Fund account once all current balances in the FLAME account are drawn down. The request also includes \$322.2 million for Preparedness activities, essentially level with 2017, and \$149.5 million for Fuels Management, \$20.2 million below 2017.

Natural Resource Damage Assessment and Restoration – The 2018 request for NRDAR is \$4.6 million, a decrease of \$3.2 million below the 2017 CR level. The budget includes funding needed for ongoing damage assessments and restoration activities.

Working Capital Fund – The 2018 budget proposes \$59.5 million for the appropriated portion of the Department's Working Capital Fund, a decrease of \$7.5 million from the 2017 CR level. The reduction is from funds requested for the Financial and Business Management System which is proposed at \$46.3 million. The request maintains \$10.0 million for Department-wide Cybersecurity needs.

Legislative Proposals

Bureau of Reclamation Title Transfer – The Administration is developing a proposal to better facilitate title transfer of Reclamation facilities to non-Federal entities when such transfers are beneficial to all parties. This proposal will allow local water managers to make their own decisions to improve water management at the local level, while allowing Reclamation to focus management efforts on projects with a greater Federal nexus.

Cancel Southern Nevada Public Land Management Act Account Balances – The budget proposes legislation to cancel \$230.0 million in unobligated balances from the Southern Nevada Public Land Management Act program over a three year period. This would redirect a portion of the program balances to the Treasury for broader taxpayer use. The SNPLMA program is not proposed for elimination and viable conservation efforts will continue to be supported.

Gulf of Mexico Energy Security Act Payments – The Administration proposes to repeal revenue sharing payments to four coastal States – Alabama, Louisiana, Mississippi, and Texas – and their local governments, which are currently set to expand substantially starting in 2018. This proposal will ensure the sale of public resources from Federal waters owned by all Americans,

benefits all Americans. Mandatory funding for LWCF State Grants would continue, but this legislative proposal would replace GOMESA's complicated allocation formula with a fixed annual appropriation of a comparable dollar amount, starting at \$90.0 million in 2018 and increasing to \$125.0 million in 2022 and remaining at \$125.0 million each year thereafter.

Land and Water Conservation Fund – The LWCF receipts authorization expires at the end of fiscal year 2018 and the Administration will review options for reauthorization, including consideration of a range of conservation-related investments that could be funded through the LWCF.

Oil and Gas Leasing in the Arctic National Wildlife Refuge – The Administration will propose legislation to allow oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge also known as the “1002 area.” The budget assumes lease sales would begin in 2022 or 2023, allowing adequate time for the completion of appropriate environmental reviews and an updated assessment of the state of the oil and gas market and lease bidding potential prior to scheduling specific lease sales. An additional lease sale or sales would be held in 2026 or 2027. Lease sales in the ANWR are estimated to generate \$3.5 billion in bonus bids to be split between the U.S. Treasury and the State of Alaska. The proposal is estimated to generate a net of \$1.8 billion in new revenue to the Treasury over 10 years.

Reauthorize the Federal Land Transaction Facilitation Act – The budget assumes permanent reauthorization of FLTFA's land sale authority, allowing Interior to dispose of lands with low conservation value and use the proceeds to acquire lands with higher conservation values, consistent with the original FLTFA mandate.

Recreation Fee Program – The budget proposes to permanently reauthorize the Federal Lands Recreation Enhancement Act, which currently expires in September 2018. As a precaution, appropriations language is also submitted with the budget proposing a one-year extension through September 2019. The revenues collected by Interior from these recreation fees – nearly \$290 million annually – are an important source of funding for land management operations, maintenance, and improvements to recreation facilities on public lands.

Termination of EPAct Geothermal Payments to Counties – The budget proposes to restore Federal geothermal leasing revenue allocations to the historical formula of 50 percent to the States and 50 percent to the U.S. Treasury by repealing Section 224(b) of the Energy Policy Act of 2005.

Offsetting Collections and Fees

Bureau of Safety and Environmental Enforcement Offshore Inspection Fees – The budget includes appropriations language to amend the current fee structure for BSEE inspection fees to better align with BSEE's inspection practices and program costs. The language structures fees charged for the inspection of offshore facilities to distinguish between those “without processing equipment” or “with processing equipment” and incorporate consideration of the number of wells and water depth. These changes to the fee structure are estimated to generate \$65.0 million in 2018.

National Wildlife Refuge Damage Cost Recovery – The budget includes appropriations language to authorize the FWS to retain recoveries from responsible parties to restore or replace damages they cause. This is similar to authorities provided to the NPS for damages to national parks and monuments.

Conclusion

Thank you for the opportunity to testify on the President's 2018 budget request for the Department of the Interior.

In closing, this is a responsible budget to help balance the Federal budget by 2027. It maintains core functions important to the American people, including providing the public the unique American experience that comes from visiting our parks, refuges, and public lands. It reflects tough choices to prioritize and focus limited resources where investments have the most impact, but continues to deliver access and services which are critical to Americans. I thank you again for your continued support of the Department's mission. I look forward to answering questions about this budget. This concludes my written statement.

**Secretary's FY 2018 Budget Talking Points
House Interior Appropriations Subcommittee Hearing**

Full Committee Chairman Frelinghuysen
Full Committee Ranking Member Lowey
Chairman Calvert
Ranking Member McCollum

Thank you for the opportunity to testify today in support of the President's 2018 Budget for the Department of the Interior. And, Happy Birthday to Chairman Calvert!

I request permission to submit my entire statement for the record.

President Trump has a responsible plan to put America back on track for a balanced budget in 2027, after a decade of deficit spending. I commend the President for offering America a blueprint for a balanced budget. To be sure, we made tough decisions, but I am confident we funded the highest priorities.

The Department of the Interior touches the lives of more Americans than any other Department. We deliver water to the West, manage wildlife refuges and historic sites in the East, and provide for energy development off our coasts. The Department is about national parks and so much more.

The President's 2018 budget proposes \$11.7 billion and saves taxpayers \$1.6 billion. We make strategic investments in the future of our nation's energy, public lands infrastructure, and security.

The President's budget prioritizes America's energy independence with an all-of-the-above energy strategy that includes oil, gas, coal and renewable energy development. We also will focus on boosting revenue through legislative proposals to raise \$5.8 billion.

In 2008, the Department brought in just over \$18 billion in offshore revenue. Last year, that number was just above \$2 billion. That lost revenue could have covered the National Park Service's \$11.3 billion deferred maintenance backlog with some left over to cover Interior's entire \$15 billion deferred maintenance backlog.

Interior's energy resources bring in revenue to offset the budget. I re-established the Royalty Policy Committee to make sure we are getting full value for our energy resources. We will be looking at all energy revenue, including renewable sources like wind and solar, to make sure taxpayers get the benefit from the full value of America's resources.

When it comes to infrastructure, we plan to take care of what we already own, rather than acquiring new lands and assets we cannot afford to maintain.

I've been to Utah, Wyoming, Montana, California, Alaska and other States and Territories in recent months. I have seen the deteriorating infrastructure, especially in our national parks. The budget focuses on National Park Service construction and maintenance which represents 73 percent of Interior's deferred maintenance backlog.

The budget calls for a \$35 million increase for a total of \$766 million for National Park Service infrastructure, and this includes \$18 million for the first phase of repairing the Arlington Memorial Bridge.

The budget invests in Interior's water and power infrastructure in the West and gives land and water managers the tools they need to carry out stewardship responsibilities.

We've made investments in USGS core science, bringing climate science research under one umbrella to prevent duplicative grants and programs.

For the first time in many years, Payments in Lieu of Taxes (PILT) is part of the discretionary budget request. PILT provides a 12 percent savings at \$397 million, the same percentage of savings we have across the Department.

We fully funded fire suppression at the ten year average.

And, we supported Indian Trust responsibilities with a focus on self-government, self-determination and sovereignty.

We were able to find savings by reducing lower priorities like:

Reducing Federal land acquisition, eliminating some programs and allowing States, local communities and private partners to take the lead on others.

At the end of the day, we had to make tough decisions. This budget will encourage the Department to be more innovative and look at creative ways to manage programs and increase revenues.

We can and will maintain our assets, offer a world-class experience on public lands, and deliver savings to the taxpayer, whether it's through public-private partnerships, encouraging responsible energy development, or reorganizing the workforce.

In closing, this budget is about America and doing the best for the American taxpayer.

I appreciate that this Subcommittee has strongly supported the Department's mission and I look forward to working closely with you to advance the President's priorities.

I'm happy to take your questions. I have my great team of budget experts with me and we can always follow up with you for the record.

INFORMATION MEMORANDUM FOR THE SECRETARY
Briefing Daily Summary - June 8, 2017

FROM: Christine Bauserman, 202-706-9330

OVERVIEW:

09:30 - 12:30	pm	Oral Statement - House Interior Appropriations Hearing
03:30 - 04:30	pm	White House Infrastructure Summit Roundtable with POTUS
06:00 - 07:00	pm	Ted Roosevelt IV and Jamie Williams, President The Wilderness Society.

On page 9: Final Testimony - House Interior Appropriations Hearing

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INFORMATION MEMORANDUM FOR THE SECRETARY
Briefing Daily Summary - June 8, 2017

TIME: 09:30 - 12:30 pm

SUBJECT: Oral Statement - House Interior Appropriations Hearing

Full Committee Chairman Frelinghuysen
Full Committee Ranking Member Lowey
Chairman Calvert
Ranking Member McCollum

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When it comes to infrastructure, we plan to take care of what we already own, rather than acquiring new lands and assets we cannot afford to maintain.

I've been to Utah, Wyoming, Montana, California, Alaska and other States and Territories in recent months. I have seen the deteriorating infrastructure, especially in our national parks. The

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budget focuses on National Park Service construction and maintenance which represents 73 percent of Interior's deferred maintenance backlog.

The budget calls for a \$35 million increase for a total of \$766 million for National Park Service infrastructure, and this includes \$18 million for the first phase of repairing the Arlington Memorial Bridge.

The budget invests in Interior's water and power infrastructure in the West and gives land and water managers the tools they need to carry out stewardship responsibilities.

We've made investments in USGS core science, bringing climate science research under one umbrella to prevent duplicative grants and programs.

For the first time in many years, Payments in Lieu of Taxes (PILT) is part of the discretionary budget request. PILT provides a 12 percent savings at \$397 million, the same percentage of savings we have across the Department.

We fully funded fire suppression at the ten year average.

And, we supported Indian Trust responsibilities with a focus on self-government, self-determination and sovereignty.

We were able to find savings by reducing lower priorities like:

Reducing Federal land acquisition, eliminating some programs and allowing States, local communities and private partners to take the lead on others.

At the end of the day, we had to make tough decisions. This budget will encourage the Department to be more innovative and look at creative ways to manage programs and increase revenues.

We can and will maintain our assets, offer a world-class experience on public lands, and deliver savings to the taxpayer, whether it's through public-private partnerships, encouraging responsible energy development, or reorganizing the workforce.

In closing, this budget is about America and doing the best for the American taxpayer.

I appreciate that this Subcommittee has strongly supported the Department's mission and I look forward to working closely with you to advance the President's priorities.

I'm happy to take your questions. I have my great team of budget experts with me and we can always follow up with you for the record.

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TIME: 03:30 - 04:30 pm

SUBJECT: White House Infrastructure Summit Roundtable with POTUS

Name of Host Group/Organization or Requestor: White House

I. PURPOSE

Roundtable discussion with the President.

II. PARTICIPANTS

President Donald Trump
Vice President Mike Pence

Cabinet Secretaries Participating:

Secretary Wilbur Ross
Secretary Sonny Perdue
Secretary Ryan Zinke
Secretary Elaine Chao
Director Mulvaney

White House Staff:

Various White House staff members will participate including
Rick Dearborn, Assistant to the President & Deputy Chief of Staff;
Gary Cohn, Assistant to the President & Director, National Economic Council (NEC);
Reed Cordish, Assistant to the President;
Justin Clark, Deputy Assistant to the President & Director, Intergovernmental Affairs;
DJ Gribbin, Special Assistant to the President for Infrastructure Policy;
Mike Catanzaro, Special Assistant to the President for Energy Policy;
Billy Kirkland, Special Assistant to the President & Dep. Dir., Intergovernmental Affairs;
Doug Hoelscher, Special Assistant to the President & Dep. Dir., Intergovernmental Affairs.

State and Local Officials:

Governors:

Governor Kay Ivey (AL)
Governor Doug Ducey (AZ)
Governor Rick Scott (FL)
Governor Eric Holcomb (IN)
Governor Sam Brownback (KS)
Governor Phil Bryant (MS)
Governor Doug Burgum (ND)
Governor Chris Sununu (NH)

State Commissioners of Agriculture:

Mike Strain, Louisiana Commissioner of Agriculture (LA)
Hugh Weathers, South Carolina Commissioner of Agriculture (SC)

Mayors:

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Mayor Lenny Curry (Jacksonville, FL)
Mayor Steve Hogan (Aurora, CO)
Mayor Mick Cornett (Oklahoma City, OK)
Mayor Nate Robinson (Fayetteville, NC)
Mayor Acquanetta Warren (Fontana, CA)
Mayor Sheldon Day (Thomasville, AL)
Mayor Richard Berry (Albuquerque, NM)
Mayor Lydia Mihalik (Findlay, OH)
Mayor John Suthers (Colorado Springs, CO)
Mayor Andrew Ginther (Columbus, OH)

County Commissioners:

Commissioner Rob Loughery (Bucks County, PA)
County Executive Paul Farrow (Waukesha County, WI)
Public Works Commissioner Candice Miller (Macomb County, MI)
Commissioner Libby Szabo (Jefferson County, CO)
Commissioner Bryan Desloge (Leon County, FL)
Commissioner Nancy Jester (DeKalb County, GA)

Tribal Leaders:

Councilman Kevin Frost (Southern Ute Tribe, CO)
Vice-Chairman Randy Phelan (Mandan, Hidatsa and Arikara Nation Tribes, MT)

III. AGENDA

No information given.

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TIME: 06:00 - 07:00 pm ET

SUBJECT: Meeting with Ted Roosevelt IV and Jamie Williams, Pres The Wilderness Society.

I. STATEMENT OF PURPOSE

Meeting with Ted Roosevelt IV and Jamie Williams, President 'The Wilderness Society.'

II. BACKGROUND

Ted Roosevelt IV joined the Navy as an officer in Underwater Demolition Team Eleven after receiving his AB from Harvard in 1965. His long list of achievements is attached.

III. DISCUSSION

Mr. Williams would like to discuss a wide scope of issues relating to the public lands.

IV. NEXT STEPS

Provide a look-ahead with a bulleted list of future steps being taken, or should be taken related to this issue.

V. ATTACHMENTS

- Theodore Roosevelt IV Bio
- Jamie Williams Bio

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**Theodore Roosevelt IV, Chair, Strategies for the Global Environment;
Managing Director, Investment Banking at Barclays**

Theodore Roosevelt IV is a Managing Director in Investment Banking at Barclays, based in New York. Currently, he serves as Chairman of the firm's Clean Tech Initiative.

Mr. Roosevelt joined Barclays Capital when it acquired the North American assets of Lehman Brothers in September 2008. He started work with Lehman in 1972 as a general banker in domestic corporate finance. In 1977, following Lehman Brothers' merger with Kuhn Loeb, Mr. Roosevelt was assigned to the International Department and also worked in the Firm's Government Advisory Group. He joined the Short and Medium Term Corporate Finance Department in 1982 and was appointed manager of the department in 1985. He was named a Managing Director in 1984, and, in January 1991 he was asked to focus on the development of the Firm's international business. He was elected Chairman of the Board of Directors of Lehman Brothers Financial Products Inc. in 1994, and Chairman of the Board of Directors of Lehman Brothers Derivative Products Inc. in 1998. In February 2007, he was appointed Chairman of Lehman Brothers' Council on Climate Change.

Mr. Roosevelt received his AB from Harvard in 1965. Immediately following, he joined the Navy as an officer in Underwater Demolition Team Eleven. Following his active duty, he joined the Department of State as a Foreign Service Officer. In 1972, Mr. Roosevelt received his MBA from Harvard Business School.

Mr. Roosevelt is Board Chair of the Center for Climate and Energy Solutions (C2ES), Secretary of The Climate Reality Project, a member of the Governing Council of the Wilderness Society, and a Trustee for the American Museum of Natural History. He is also Counselor, China - U.S. Center for Sustainable Development and served as a board member of the League of Conservation Voters for nine years; three of which, he served as the Chairman. Mr. Roosevelt is also a member of the Council on Foreign Relations, the Economic Club of New York, and a Governor of the Foreign Policy Association.

At the Republican Convention in 2000, Mr. Roosevelt gave the speech on the environment. He gave the keynote speech at the National Governor's Association Annual Meeting in 2001 as well as the keynote address at the Governor's Conference on Climate Change in April 2008 sponsored by Yale University. He spoke at the Conference of Parties Climate Summit in December 2009 in Copenhagen, sponsored by the European Union Parliament. Most recently in May 2010, Mr. Roosevelt gave a keynote speech at the International Cooperative Conference on Green Economy and Climate in Beijing organized by the National Development and Reform Commission, Ministry of Science and Technology and National Energy Administration. He was an Advising Committee Member on the MIT study "The Future of Natural Gas"; and the on the Advisory Committee for the Council on Foreign Relations Special Report "The Future of US Special Operations." Currently he is a committee member for the National Academy of Sciences on Accelerating Deployment of Clean Energy Technologies.

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Jamie Williams President, The Wilderness Society

President Jamie Williams joined The Wilderness Society in 2012. Jamie leads The Wilderness Society in its mission to protect wilderness and inspire Americans to care for our wild places.

Jamie brings a wealth of experience and a track record of outstanding achievement to his role. Before coming to The Wilderness Society, Jamie led The Nature Conservancy's work to protect large landscapes in North America. There he focused on helping Conservancy programs and key partners protect large landscapes through innovative, private and public finance. He also spearheaded critical efforts to secure conservation funding in Congress, among many other accomplishments.

Previously, Jamie also served as the Conservancy's Northern Rockies Initiative Director (2007–2010) and Montana State Director (1998–2007), where he focused on protecting the Northern Rockies' largest, most intact landscapes through strong community-based programs, and public-private partnerships.

Jamie started working for The Nature Conservancy in 1992 as its NW Colorado Program Manager (1992-1997) where he spearheaded a community-based conservation effort to conserve the Yampa River.

Jamie holds an MES from the Yale School of Forestry and Environmental Studies (class of '89) and a BA from Yale University (class of '85).

Jamie came to conservation as a western river guide and wilderness instructor for the National Outdoor Leadership School (NOLS).

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STATEMENT OF RYAN ZINKE, SECRETARY OF THE INTERIOR
BEFORE THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
ON THE 2018 PRESIDENT'S BUDGET REQUEST

Mr. Chairman, Ranking Member McCollum, and Members of the Subcommittee, I am pleased to appear before you today to discuss the 2018 President's Budget for the Department of the Interior which provides \$11.7 billion for Interior's programs. The budget also requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Of Interior's total request, \$10.6 billion is within the jurisdiction of this subcommittee, a decrease of \$1.4 billion or 12 percent compared to the 2017 Annualized Continuing Resolution, and a decrease of \$1.6 billion or 13.4 percent below 2017 enacted. Because of the timing between enactment of the FY 2017 Omnibus Appropriations Act and submission of the FY 2018 President's Budget, my statement compares requested funding to the FY 2017 Annualized Continuing Resolution unless otherwise noted.

2018 Budget Priorities

The 2018 budget for the Department of the Interior features targeted investments to further the Administration's America First national energy goals. At the same time, this budget reflects the President's commitment to fiscal responsibility – proposing sensible and rational reductions and making hard choices to reach a balanced budget by 2027.

Across Interior's diverse mission, this budget emphasizes the Department's crucial role in promoting economic growth. America's lands hold tremendous job-creating assets. Visitors to our parks spend more than \$18.4 billion in local gateway communities, supporting approximately 318,000 jobs and contributing \$34.9 billion into the national economy according to the 2016 *National Park Service Visitor Spending Effects Report*.

In 2016, Interior's energy, mineral, grazing, and forestry activities resulted in \$8.8 billion in revenue to the American people, including direct revenue payments to States, Tribes, and local communities. These same activities supported \$136 billion in economic output. In addition, direct grants and payments to States, Tribes, and local communities provided an estimated \$10 billion in economic output.

The Department's 2018 budget reflects the Administration's commitment to strengthen America's economic and energy security, focus on the Nation's infrastructure, be responsible stewards of magnificent lands, encourage public access for outdoor recreation, and strengthen tribal sovereignty and support self-determination.

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America's Energy

The Department of the Interior is the steward and manager of America's natural resources including oil, gas, coal, hydropower, minerals and renewable energy sources. The Department has a critical role to play in the future energy security of our Nation as well as our overall economic well-being. American energy resources create jobs and generate significant revenue both to the U.S. Treasury and States. This budget proposes \$791.2 million in current and permanent funding for energy related programs across the Department, an increase of \$16.3 million from 2017. Interior's 2018 budget supports an "all-of-the-above" energy development strategy, increasing funding for onshore and offshore oil and gas, strengthening coal management activities, and sustaining the current pace of renewable energy development.

The budget reflects the importance of offshore energy production to America's economic and energy security. The 2018 budget shores up offshore oil and gas programs with appropriated funding to continue a strong offshore program. The request for the Bureau of Ocean Energy Management features a \$10.2 million increase to update the Five-Year Outer Continental Shelf Oil and Gas Leasing Program, consistent with the President's Executive Order *Implementing an America-First Offshore Energy Strategy* to expand offshore oil and gas exploration and production. The 2018 budget for the Bureau of Safety and Environmental Enforcement includes a \$1.2 million increase to focus on workforce training, permitting, and information technologies to better permit exploration, development, and production operations.

Onshore, the budget requests a \$16.0 million increase for the Bureau of Land Management's oil and gas management program, providing a total of \$75.9 million in appropriated funds focused on improving oil and gas permit application processing, streamlining leasing, and modernizing practices. The budget also includes \$19.0 million for the BLM coal management program, an \$8.0 million increase to reduce administrative processing times, simplify the lease application process, and improve the timeliness to complete lease sale fair market value determinations.

The 2018 budget includes \$78.1 million for Renewable Energy programs both on and offshore. Although a reduction from prior years, this funding level will sustain the current pace of development at a level consistent with anticipated project interest.

To ensure the public continues to receive the full value of natural resources production on Federal lands, in April, I signed a charter establishing a Royalty Policy Committee of 28 local, tribal, State, and other stakeholders to advise me on the fair market value of and revenue collection from Federal and Indian mineral and energy leases, including renewable energy sources.

The Nation's Infrastructure

Interior plays an important role in maintaining and improving the Nation's infrastructure. Interior's national role includes managing significant real property assets as well as conducting reviews and processing permits to support national infrastructure development as part of a balanced multiple land use strategy.

Interior's 2018 budget maintains the 2017 level of \$98.8 million for Fish and Wildlife Service planning and consultation activities. This level maintains the FWS capability to meet its legal consultation requirements and avoid logjams that could delay infrastructure projects and

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associated economic benefits. The BLM budget also directs base funding to address siting for energy transmission projects, and proposes an increase in the oil and gas management program to facilitate rights-of-way associated with energy development projects.

Interior manages an infrastructure asset portfolio with a replacement value exceeding \$300 billion, ranging from elementary and secondary schools serving Indian children, to highways and bridges serving the daily commuting needs of the Washington, D.C., metropolitan area. Interior owns approximately 43,000 buildings, 100,000 miles of road, and 80,000 structures – including iconic landmarks, as well as dams, bridges, laboratories, employee housing, and irrigation and power infrastructure. Taking care of this significant asset portfolio is a persistent challenge. Interior's deferred maintenance backlog has grown to over \$15 billion in 2016. Construction and maintenance funding across the Department totals \$1.4 billion in 2018, not including the Bureau of Reclamation.

From my first day on the job, one of my top priorities has been to prioritize efforts to address the National Park Service maintenance backlog. Our National Parks have 73 percent of Interior's deferred maintenance backlog while hosting 324 million visitors last year. The 2018 budget for NPS includes \$236.3 million for construction and deferred maintenance projects, an increase of \$21.0 million from 2017. Total estimated funding for NPS maintenance and construction needs including estimated recreation fee revenue is \$765.7 million, an increase of \$34.7 million from FY 2017. This increase will support targeted and measurable upgrades to a number of the NPS' highest priority assets including the first phase of repairs to the Arlington Memorial Bridge project.

America's Lands

In my first days in office, I issued two Secretarial Orders to expand access to public lands and increase hunting, fishing, and recreation opportunities nationwide. The 2018 budget includes \$4.4 billion for Interior's land management operations in the NPS, FWS, and the BLM, a reduction of \$354.3 million from 2017. This includes funding for operational programs as well as management and maintenance of the national parks, national wildlife refuges, and BLM's network of national conservation lands. Within land management operations, the budget prioritizes funding to protect and conserve America's public lands and natural resources, provide access to public lands for the next generation of outdoor enthusiasts, and ensure visitor safety.

To support land management priorities, funding for lower priority activities, such as Federal land acquisition projects, is reduced. The 2018 budget emphasizes taking care of our current assets, rather than adding more by purchasing new land. Accordingly, the budget for land acquisition programs is \$54.0 million, \$129.1 million below 2017. A small amount of funding is maintained in each bureau for emergencies or acquisition of inholdings needed to improve management of established areas or to increase public access.

To better manage and balance these responsibilities, the Department relies on its front-line land managers, field scientists, and partners to monitor, assess, and collect information about the status of resource conditions. Interior's U.S. Geological Survey is the Nation's leading source of expertise in earth and natural sciences and works closely with other Interior bureaus and State, local, tribal and other Federal partners to help resource managers adapt to changing conditions on the ground. The 2018 budget includes \$922.2 million for USGS programs, to focus on core

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science activities including land and water resources, energy and minerals, mapping, ecosystems, invasive species, natural hazards, and environmental health.

The 2018 request budgets responsibly for the Payments in Lieu of Taxes program. The budget includes \$397 million for these payments as part of the discretionary request, to ensure continued support to the communities neighboring Interior and other Federal lands without assuming enactment of separate legislation. The 2018 level for PILT is reduced 12 percent below the 2017 CR level, consistent with the total reduction in the Interior budget.

A key component of Interior's land stewardship is management of wildland fire. The 2018 budget provides \$389.4 million for wildfire suppression – the full 10-year average of suppression expenditures. This level of funding is projected to be sufficient to meet fire suppression needs in an average fire season without the risk of needing emergency transfers from other departmental accounts.

The 2018 budget also continues efforts to address the challenges of water availability and drought conditions. Within the jurisdiction of the Energy and Water Development Subcommittee, the budget invests \$1.1 billion in Reclamation water resources to ensure millions of customers continue to receive the water and power that are the foundation of a healthy economy.

America's Trust Responsibilities

Interior maintains strong and important relationships with Native and insular communities, helping to promote efficient and effective governance and to support nation-building and self-determination. The Department provides services directly, or through contracts, grants or compacts, to 567 federally recognized Tribes with a service population of nearly two million American Indians and Alaska Natives. The budget prioritizes support for programs serving the broadest service population and proposes reductions in initiatives that are more narrowly focused. The President's budget maintains the Administration's strong support for the principle of tribal self-determination, and efforts to strengthen tribal communities across Indian Country. The budget includes full funding for Contract Support Costs and Tribal Grant Support Costs that Tribes incur from managing Federal Indian programs.

The 2018 budget request includes \$786.4 million to continue support for core Indian education programs, including formula funding and operation and maintenance funding for elementary and secondary schools, and support for post secondary programs. The 2018 budget continues to meet Federal responsibilities outlined in enacted land and water rights claim settlements with Indian Tribes, and includes \$160.8 million for authorized settlements and technical and legal support involving tribal water rights, to maintain the Department's ability to complete these settlement requirements within the statutory timeframes.

In recognition of the importance of the Nation's relationship with Palau and the Pacific national security strategy, the budget requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Management and Reform

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As part of the President's March 2017, Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch, the Administration launched a government-wide effort to create a leaner, more efficient, and more responsive government. The Order directs agencies to begin planning to operate at the funding levels in the 2018 budget and develop a broader Agency Reform Plan to address long-term workforce reductions. Interior is moving prudently with implementation and has put in place hiring controls to enable limited hiring, prioritizing filling field positions rather than office positions, and limiting hires in the Washington, D.C., and Denver, Colorado, areas. This process enables the Department to continue to fill important positions as work is underway to develop a comprehensive and thoughtful agency plan.

The 2018 budget reduces lower priority programs \$1.6 billion below 2017 and supports 59,968 full time equivalents. This represents an estimated reduction of roughly 4,000 full time equivalent staff from 2017. To accomplish this, the Department will rely on a combination of attrition, reassignments, and separation incentives. Actual attrition rates and acceptance of separation incentives will determine the need for further action to reduce staffing.

Reducing Interior's physical footprint and seeking ways to consolidate space and resources will continue to be management objectives going forward. Efforts will build on several multi-year actions to reduce Interior's nationwide facilities footprint and improve the efficiency and effectiveness of its information technology infrastructure and financial reporting capabilities. Ensuring Interior's cybersecurity strength continues to be a priority. The 2018 budget maintains \$10.0 million in the appropriated working capital fund to continue the Department's remediation of its cybersecurity systems and processes.

Bureau Highlights

Bureau of Land Management – The 2018 request for the BLM is \$1.1 billion, a decrease of \$162.7 million below the 2017 CR level and \$180.5 million below the 2017 enacted level. The budget proposes \$963.2 million for Management of Lands and Resources and \$89.8 million for Oregon and California Grant Lands, BLM's two primary operational appropriation accounts.

The BLM request features increases in oil, gas and coal management programs reflecting national energy security priorities. The budget proposes \$75.9 million for Oil and Gas Management to support permitting and rights-of-way processing, streamline leasing, and modernize practices. The budget also includes \$19.0 million to strengthen BLM's Coal Management program, an increase of \$8.0 million from 2017.

To maintain the BLM's land stewardship responsibilities, the budget includes \$67.8 million for Rangeland Management and \$70.7 million for the Wild Horse and Burro Management program. As part of a broader effort to consider all necessary options to manage the unsustainable growth of this program, the budget proposes to eliminate current appropriations language restricting the BLM's ability to use the tools provided in the Wild and Free-Roaming Horse and Burro Act and enable BLM to manage on-range herds more effectively and humanely. The budget also proposes \$47.2 million for Recreation Resources Management and \$27.7 million to continue support for the National Conservation Land areas.

The budget includes \$89.8 million for the Oregon and California Grant Lands programs. At this level, the budget prioritizes offering the allowable sale quantity in new resource management

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plans.

Mineral development on Federal lands is important to the national economy. However, a long-standing challenge is to provide a fair return to taxpayers for the use of these natural resources without discouraging development. To meet this challenge, the Department will conduct a study starting in 2017 to evaluate the production and development of hardrock minerals from Federal lands. The review will include an analysis of revenue recovered by other entities, including other countries, which permit mining on their land. The Department will also consult with other appropriate agencies, such as the Department of Agriculture. The findings will be considered as part of ongoing efforts to improve agency management and streamline permitting related to natural resources produced from Federal lands.

Bureau of Ocean Energy Management – The 2018 President's budget for BOEM is \$171.0 million, slightly above the 2017 CR level, including \$114.2 million in current appropriations and \$56.8 million in offsetting collections from rental receipts and cost recoveries. The budget maintains a level program by increasing appropriated funding by \$35.5 million to address a commensurate shortfall in estimated offsetting rental receipts and cost recoveries. The 2018 budget features a \$10.2 million increase to support the development of a new Five-Year Plan for the OCS Oil and Gas Leasing Program.

Bureau of Safety and Environmental Enforcement – The 2018 President's budget request for BSEE is \$204.9 million, slightly above the 2017 CR level, including \$112.0 million in current appropriations and \$92.9 million in offsetting collections from rental receipts, cost recoveries, and inspection fees. The budget maintains a strong offshore safety and environmental enforcement program by increasing appropriations and estimated inspection fee revenue to address anticipated shortfalls in offsetting rental receipts and other cost recoveries. The 2018 budget includes a \$1.2 million increase for technical training to expand staff development efforts for BSEE's inspector, engineer, and geoscientist workforce, and \$12.7 million for oil spill research, a reduction of \$2.2 million from 2017.

Office of Surface Mining Reclamation and Enforcement – The 2018 budget request for OSMRE is \$129.4 million in current appropriations, \$110.7 million below the 2017 CR level. The majority of this reduction reflects the elimination of \$89.9 million for Abandoned Mine Lands Economic Development Grants. Although beneficial, funding for this pilot program overlaps with existing mandatory Abandoned Mine Lands grants which continue without any proposed changes. The budget includes \$60.2 million for State and tribal regulatory grants, a level consistent with anticipated State and tribal program obligations.

U.S. Geological Survey – The 2018 budget request for the USGS is \$922.2 million, \$137.8 million below the 2017 CR level. The budget includes \$70.9 million for satellite operations, which supports continued development of the Landsat 9 ground systems, supporting a launch date in early fiscal year 2021 to replace the Landsat 7 satellite, which is reaching the end of its usable life.

The request emphasizes energy and mineral development, supporting essential hazards monitoring, and providing scientific information to support decision making by resource

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managers and policy makers. The budget maintains support for nationwide networks of more than 8,000 streamgages and nearly 3,000 earthquake sensors. The request provides \$17.3 million for nationwide efforts to counter invasive species and wildlife diseases such as white-nose syndrome and highly pathogenic avian influenza, and the budget maintains \$17.3 million for 40 cooperative research units that support State-specific needs, particularly related to fish and game species. It continues acquisition of modern elevation data for Alaska and the three-year cycle of topographic map updates for the contiguous United States.

The 2018 request proposes to realign the 2018 budget structure to create a new Land Resources activity to reflect focused science related to on-the-ground land management and adaptive management challenges. As part of this request, the budget proposes \$17.4 million for the National and Regional Climate Adaptation Science Centers, reflecting the proposed consolidation of eight regional centers to four.

Fish and Wildlife Service – The 2018 President’s budget requests \$1.3 billion for FWS programs, a decrease of \$202.9 million from the 2017 CR level. The budget includes \$1.2 billion for FWS operations, a decrease of \$85.3 million below 2017. Within Resource Management, the budget prioritizes funding to maintain operations and maintenance for the National Wildlife Refuge System (\$470.1 million) and the National Fish Hatchery System (\$51.9 million). Funding will continue operations for all refuge areas and hatchery sites.

The budget includes \$225.2 million for Ecological Services programs with an emphasis on species recovery and planning consultation activities. Consistent with efforts to focus adaptive management related science within the USGS, the request proposes to eliminate funding for Science Support at \$17.0 million and Landscape Conservation Cooperatives at \$13.0 million.

The budget is \$118.6 million for FWS conservation grants including \$52.8 million for State and Tribal Wildlife Grants, \$33.6 million for the North American Wetlands Conservation Fund, \$19.3 million for the Cooperative Endangered Species Conservation Fund, \$9.0 million for the Multinational Species Conservation Fund, and \$3.9 million for Neotropical Migratory Bird Conservation. Consistent with decreases in other land acquisition programs across the Department, the request proposes to eliminate funding for Cooperative Endangered Species Conservation Fund land acquisition grants.

National Park Service – The 2018 President’s budget request for NPS is \$2.6 billion, \$296.6 million below the 2017 CR level.

The budget proposes \$2.2 billion for NPS operations. Within this account, funding is prioritized for the care and maintenance of existing resources. The budget includes \$99.3 million for repair and rehabilitation projects, which addresses the deferred maintenance backlog, as well as \$112.7 million for cyclic maintenance projects, which ensures maintenance is conducted in a timely fashion to avoid increasing the deferred maintenance backlog.

The budget proposes \$226.5 million for Construction projects, an increase of \$34.0 million to help address deferred maintenance and allow for targeted and measurable upgrades to a number of the NPS’s highest priority assets. Within this request is \$18.2 million for phase one construction requirements for the Arlington Memorial Bridge. Also included in the request is \$15.0 million in appropriated funds for the Centennial Challenge program to provide the Federal

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match to leverage partner donations for signature projects and programs. An additional \$15.0 million from fee revenue is also anticipated for 2018 to support Centennial projects.

The request provides \$37.0 million for National Recreation and Preservation programs to support local community efforts to preserve natural and cultural resources. The budget assumes savings of \$18.8 million from the proposed elimination of payments to National Heritage Areas. The 2018 budget includes \$51.1 million for the Historic Preservation Fund core grants-in-aid programs. The budget proposes to shift support for Land and Water Conservation Fund State Grants from appropriated to mandatory funding comparable to an estimated \$90 million the program will receive from oil and gas activities from certain Gulf of Mexico offshore leases.

Indian Affairs – The 2018 President’s budget request for Indian Affairs is \$2.5 billion, \$303.3 million below the 2017 CR level. Funding for Operation of Indian Programs totals \$2.1 billion, a decrease of \$181.1 million below 2017. In 2018, priority is given to programs serving the broadest audience rather than initiatives or pilots. Within this total is \$786.4 million for Bureau of Indian Education programs where funding focuses on direct school operations and full funding for Tribal Grant Support Costs. The main operating account also includes \$349.3 million for Public Safety and Justice programs and \$277.5 million for Trust Services programs, which includes the elimination of the Tribal Climate Resilience program.

The budget fully funds Contract Support Costs at \$241.6 million, \$35.4 million below 2017, which will cover all anticipated requirements at the requested program funding level. The budget requests \$143.3 million for Construction programs. The 2018 budget prioritizes dams, irrigation projects, and irrigation systems which deliver water to aid economic development as well as protect lives, resources, and property. The budget prioritizes funding within education construction for operations and maintenance of existing facilities. The budget also includes \$14.0 million to provide payments to ongoing Indian Land and Water settlements and \$6.7 million for the Indian Guaranteed Loan Program.

Departmental Offices

Office of the Secretary – The 2018 budget request for Departmental Operations is \$123.9 million, \$596.5 million below the 2017 CR. The majority of this reduction is \$451.1 million associated with the shift of the Payments in Lieu of Taxes program which was appropriated within Departmental Operations in 2017. In 2018, the budget proposes to fund PILT as discretionary funding within Department-wide Programs. The budget also reflects the proposed transfer of \$140.3 million associated with the Office of Natural Resources Revenue to a new appropriation within Department-wide Programs. The proposed transfer of ONRR funding will increase transparency in the budget for the Department’s energy revenue programs. The 2018 request for remaining Office of Secretary programs reflects a reduction of \$4.0 million from central program management activities across the Office of the Secretary organization. Of this, \$2.6 million is associated with reductions to the Office of Valuation Services consistent with the proposed Department-wide decrease for new land acquisition.

Office of Insular Affairs – The 2018 OIA budget request is \$84.3 million, \$19.0 million below the 2017 CR. In addition, the majority of OIA’s budget proposal reflects a request to fully fund the renegotiated Compact with Palau by transferring \$123.9 million from the Department of Defense, rather than \$13.1 million in extended incremental annual payments. The Compact is an important element of the Pacific national security strategy.

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Office of the Solicitor – The 2018 budget proposes \$65.7 million for the Office of the Solicitor, the same as the 2017 CR level, to provide legal counsel, administer the Department’s ethics program, and help resolve legal issues among bureaus and offices as they fulfill their duties.

Office of Inspector General – The 2018 budget proposes \$50.0 million for the Office of Inspector General, the same as the 2017 CR level, to continue support for audit and investigations across the Department.

Office of the Special Trustee for American Indians – The 2018 budget requests \$119.4 million for OST, \$19.4 million below the 2017 CR level. The budget proposes a \$3.7 million reduction below 2017 in Field Operations reflecting prioritization of services to continue operations at the beneficiary call center. A reduction of \$3.1 million is proposed within Historical Trust Accounting in expectation of reduced requirements. Smaller additional reductions are taken across the organization.

Department-wide Programs

Payments in Lieu of Taxes – The 2018 budget proposes \$396.9 million in discretionary funding for PILT, a decrease of \$54.3 million from the comparable 2017 CR level of \$451.1 million appropriated in Departmental Operations in 2016. This is a reduction of 12 percent, commensurate with the Department of the Interior’s overall reduction from 2017 CR budget levels.

Office of Natural Resources Revenue – The 2018 budget request includes \$137.8 million for ONRR’s receipts management programs, a decrease of \$2.5 million below the comparable 2017 CR level of \$140.3 million. The 2018 budget request proposes to transfer ONRR’s receipts management program from the Office of the Secretary’s Departmental Operations account to a separate appropriation within Department-wide Programs to increase transparency of the program. The request includes \$3.5 million for anticipated contract cost increases for the Minerals Revenue Management Support System.

Central Hazardous Materials Fund – The 2018 budget requests \$2.0 million for the Central Hazardous Materials Fund, \$8.0 million below the 2017 CR. The budget request funds program management and legal staff. The program will fund the highest priority remediation projects based on the availability of recoveries and focus resources on remediation projects with potentially responsible parties.

Wildland Fire Management – The 2018 budget request for the Wildland Fire Management Program is \$873.5 million. The total request represents a decrease of \$118.3 million from the 2017 CR level for the Wildland Fire Management and FLAME accounts. At this level the request provides \$389.4 million for Suppression Operations to fully fund the 10-year average. To streamline financial management processes and improve the efficiency in allocating suppression funding, the Department proposes to fund all suppression activities in the Wildland Fire Management account and eliminate the separate FLAME Wildfire Suppression Reserve Fund account once all current balances in the FLAME account are drawn down. The request also includes \$322.2 million for Preparedness activities, essentially level with 2017, and \$149.5 million for Fuels Management, \$20.2 million below 2017.

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Natural Resource Damage Assessment and Restoration – The 2018 request for NRDAR is \$4.6 million, a decrease of \$3.2 million below the 2017 CR level. The budget includes funding needed for ongoing damage assessments and restoration activities.

Working Capital Fund – The 2018 budget proposes \$59.5 million for the appropriated portion of the Department’s Working Capital Fund, a decrease of \$7.5 million from the 2017 CR level. The reduction is from funds requested for the Financial and Business Management System which is proposed at \$46.3 million. The request maintains \$10.0 million for Department-wide Cybersecurity needs.

Legislative Proposals

Bureau of Reclamation Title Transfer – The Administration is developing a proposal to better facilitate title transfer of Reclamation facilities to non-Federal entities when such transfers are beneficial to all parties. This proposal will allow local water managers to make their own decisions to improve water management at the local level, while allowing Reclamation to focus management efforts on projects with a greater Federal nexus.

Cancel Southern Nevada Public Land Management Act Account Balances – The budget proposes legislation to cancel \$230.0 million in unobligated balances from the Southern Nevada Public Land Management Act program over a three year period. This would redirect a portion of the program balances to the Treasury for broader taxpayer use. The SNPLMA program is not proposed for elimination and viable conservation efforts will continue to be supported.

Gulf of Mexico Energy Security Act Payments – The Administration proposes to repeal revenue sharing payments to four coastal States – Alabama, Louisiana, Mississippi, and Texas – and their local governments, which are currently set to expand substantially starting in 2018. This proposal will ensure the sale of public resources from Federal waters owned by all Americans, benefits all Americans. Mandatory funding for LWCF State Grants would continue, but this legislative proposal would replace GOMESA’s complicated allocation formula with a fixed annual appropriation of a comparable dollar amount, starting at \$90.0 million in 2018 and increasing to \$125.0 million in 2022 and remaining at \$125.0 million each year thereafter.

Land and Water Conservation Fund – The LWCF receipts authorization expires at the end of fiscal year 2018 and the Administration will review options for reauthorization, including consideration of a range of conservation-related investments that could be funded through the LWCF.

Oil and Gas Leasing in the Arctic National Wildlife Refuge – The Administration will propose legislation to allow oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge also known as the “1002 area.” The budget assumes lease sales would begin in 2022 or 2023, allowing adequate time for the completion of appropriate environmental reviews and an updated assessment of the state of the oil and gas market and lease bidding potential prior to scheduling specific lease sales. An additional lease sale or sales would be held in 2026 or 2027. Lease sales in the ANWR are estimated to generate \$3.5 billion in bonus bids to be split between the U.S. Treasury and the State of Alaska. The proposal is estimated to generate a net of \$1.8 billion in new revenue to the Treasury over 10 years.

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Reauthorize the Federal Land Transaction Facilitation Act – The budget assumes permanent reauthorization of FLTFA’s land sale authority, allowing Interior to dispose of lands with low conservation value and use the proceeds to acquire lands with higher conservation values, consistent with the original FLTFA mandate.

Recreation Fee Program – The budget proposes to permanently reauthorize the Federal Lands Recreation Enhancement Act, which currently expires in September 2018. As a precaution, appropriations language is also submitted with the budget proposing a one-year extension through September 2019. The revenues collected by Interior from these recreation fees – nearly \$290 million annually – are an important source of funding for land management operations, maintenance, and improvements to recreation facilities on public lands.

Termination of EPAct Geothermal Payments to Counties – The budget proposes to restore Federal geothermal leasing revenue allocations to the historical formula of 50 percent to the States and 50 percent to the U.S. Treasury by repealing Section 224(b) of the Energy Policy Act of 2005.

Offsetting Collections and Fees

Bureau of Safety and Environmental Enforcement Offshore Inspection Fees – The budget includes appropriations language to amend the current fee structure for BSEE inspection fees to better align with BSEE’s inspection practices and program costs. The language structures fees charged for the inspection of offshore facilities to distinguish between those “without processing equipment” or “with processing equipment” and incorporate consideration of the number of wells and water depth. These changes to the fee structure are estimated to generate \$65.0 million in 2018.

National Wildlife Refuge Damage Cost Recovery – The budget includes appropriations language to authorize the FWS to retain recoveries from responsible parties to restore or replace damages they cause. This is similar to authorities provided to the NPS for damages to national parks and monuments.

Conclusion

Thank you for the opportunity to testify on the President’s 2018 budget request for the Department of the Interior.

In closing, this is a responsible budget to help balance the Federal budget by 2027. It maintains core functions important to the American people, including providing the public the unique American experience that comes from visiting our parks, refuges, and public lands. It reflects tough choices to prioritize and focus limited resources where investments have the most impact, but continues to deliver access and services which are critical to Americans. I thank you again for your continued support of the Department’s mission. I look forward to answering questions about this budget. This concludes my written statement.

Billing Code 6325-39-P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR PART 630

RIN: 3206-AN49

Administrative Leave, Investigative Leave, Notice Leave, and Weather and Safety Leave

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management proposes to issue new regulations on the granting and recording of administrative leave, investigative leave, notice leave, and weather and safety leave. The Administrative Leave Act of 2016 created these new categories of statutorily authorized paid leave and established parameters for their use by Federal agencies. The regulations will provide a framework for agency compliance with the new statutory requirements.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: You may submit comments, identified by RIN 3206–AN49 using one of the following methods:

Federal eRulemaking Portal: www.regulations.gov. Follow the instructions for submitting comments.

E-mail: pay-leave-policy@opm.gov.

FOR FURTHER INFORMATION CONTACT: Kurt Springmann or Julie Ohr by email at pay-leave-policy@opm.gov or by telephone at (202) 606-2858.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management (OPM) is issuing proposed regulations to implement the Administrative Leave Act of 2016, enacted under section 1138 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328, 130 Stat. 2000, December 23, 2016). The Administrative Leave Act of 2016, hereafter referred to as “the Act,” added three new sections in title 5 of the U.S. Code that provide for specific categories of paid leave and requirements that shall apply to each: § 6329a regarding administrative leave; § 6329b regarding investigative leave and notice leave; and § 6329c regarding weather and safety leave.

Background

Prior to passage of the Act, agencies granted paid excused absences (often called “administrative leave”) to employees based on the broad management authority in 5 U.S.C. 301-302, which allows heads of agencies to prescribe regulations for the government of their organizations. This authority does not expressly address excused absence and thus does not set parameters on its use. However, some direction on use of the excused absence authority was provided in Comptroller General decisions and in OPM guidance.

In the sense of Congress provisions in section 1138(b) of the Act, Congress expressed the need for legislation to address concerns that usage of administrative leave had sometimes exceeded reasonable amounts and resulted in significant costs to the Government. Congress wanted agencies to (1) use administrative leave sparingly and reasonably, (2) consider alternatives to use of administrative leave when employees are under investigation, and (3) act expeditiously to conclude investigations and either return the employee to duty or take an appropriate personnel action. Congress also wanted agencies to keep accurate records regarding the use of administrative leave for various purposes.

In drafting the Act, Congress considered an October 2014 report entitled “Federal Paid Administrative Leave,” which was prepared by the Government Accountability Office (GAO). (See GAO Report 15-79.) At the request of Congress, GAO examined the paid administrative leave policies at selected Federal agencies, reviewed practices in recording and reporting of paid administrative leave, and described categories of purposes for which large amounts of paid administrative leave have been charged. GAO found that agency policies on administrative leave varied and that some employees were on administrative leave for long periods (primarily due to extended personnel investigations), which had significant cost implications. GAO also found problems in agencies’ recording and reporting practices with respect to administrative leave. The GAO report was cited in Congressional committee reports on draft bills addressing the use of administrative leave for Federal employees. (See House Report 114-520, August 25, 2016, accompanying H.R. 4359 and Senate Report 114-292, July 6, 2016, accompanying S. 2450.) Those committee reports also include useful background information on the development of legislation that eventually culminated in the passage of the Administrative Leave Act of 2016.

New Subparts in 5 CFR Part 630

In this proposed regulation, OPM proposes to add three new subparts to 5 CFR part 630 that correspond to the three new statutory sections in 5 U.S.C. chapter 63: Subpart N, Administrative Leave (implementing 5 U.S.C. 6329a); Subpart O, Investigative Leave and Notice Leave (implementing 5 U.S.C. 6329b); and Subpart P, Weather and Safety Leave (implementing 5 U.S.C. 6329c).

Administrative leave is permitted—at an agency’s discretion but subject to statutory and regulatory requirements—when an agency determines that no other paid leave is available under

other law. Under § 6329a(b)(1), an agency may place an employee on administrative leave for no more than 10 total workdays in any given calendar year.

Investigative leave and notice leave are permitted—at an agency’s discretion but subject to statutory and regulatory requirements—when an agency determines that an employee must be removed from the workplace while under investigation or during a notice period (i.e., the period after the employee has received a proposed notice of adverse action before a final decision is made and takes effect). These two types of leave may be used only when an authorized agency official determines, through evaluation of baseline factors, that the continued presence of the employee in the workplace may pose a threat to the employee or others, result in the destruction of evidence relevant to an investigation, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests. Before using these two types of leave, agencies must consider options to avoid or minimize the use of paid leave, such as changing the employee’s duties or work location. Use of investigative leave is subject to time limitations and special approvals for extensions.

Weather and safety leave is permitted—at an agency’s discretion but subject to statutory and regulatory requirements, agency policies, and lawful collective bargaining provisions—when an agency determines that employees cannot safely travel to and from, or perform work at, their normal worksite, a telework site, or other approved location because of severe weather or other emergency situations. There are no time limitations with respect to this type of leave.

Both the law and the proposed regulations address recordkeeping and reporting requirements with which agencies must comply. Agencies must keep separate records on each type of leave: administrative leave, investigative leave, notice leave, and weather and safety leave.

In the latter portion of this Supplementary Information, we present a section-by-section explanation for the regulations in each subpart (N, O, and P).

Effective Date

The Act directs OPM to prescribe (i.e., publish) regulations to carry out the new statutes on administrative leave, investigative leave, notice leave, and weather and safety leave no later than 270 calendar days after the Act's enactment on December 23, 2016—i.e., September 19, 2017. (See 5 U.S.C. 6329a(c)(1), 6329b(h)(1), and section 6329c(d).) The Act further directs that agencies “revise and implement the internal policies of the agency” to meet the statutory requirements pertaining to administrative leave, investigative leave, and notice leave no later than 270 calendar days after the date on which OPM issues its regulations. (See 5 U.S.C. 6329a(c)(2) and 6329b(h)(2).) There is no similar agency implementation provision in the law governing weather and safety leave.

When OPM issues final regulations, we intend to specify that the regulations for subparts N and O (dealing with administrative leave and investigative/notice leave, respectively) will take effect 270 days after publication by specifying a separate “implementation date.” Consistent with the statutory provisions, agencies will have 270 calendar days following the date of publication of the final regulations to revise and implement internal policies to meet the new requirements. That will give agencies time to develop internal policies and procedures, including necessary changes in recordkeeping and reporting systems. OPM intends to further specify that subpart P (dealing with weather and safety leave) will take effect 30 days after the date of publication of the final regulations. However, we expect to delay enforcing the requirement that agencies separately report weather and safety leave to OPM until the 270th day following publication of the final regulations.

Amendment to Annual and Sick Leave Regulations

In OPM’s regulations dealing with general provisions for annual and sick leave (5 CFR subpart B), we propose to remove the second sentence in § 630.206(a), which reads: “If an employee is unavoidably or necessarily absent for less than one hour, or tardy, the agency, for adequate reason, may excuse him without charge to leave.” This regulation was not an authority for creating a type of paid time off, but merely recognized the existence of agency authority to provide brief periods of excused absence under Comptroller General decisions.

Now that OPM has authority to regulate the use of administrative leave under 5 U.S.C. 6329a, it is more appropriate for this particular application of administrative leave to be covered under the new regulations. We would expect administrative leave under 5 U.S.C. 6329a to be used rarely, if at all, for the purpose of excusing a tardy employee. We note that weather and safety leave under 5 U.S.C. 6329c may appropriately be used so that, due to weather or other emergency conditions, an agency may allow employees to have a delayed arrival to avoid unsafe travel conditions.

Subpart N – Administrative Leave

§ 630.1401—Purpose and Applicability

Section 630.1401 addresses the purpose of the proposed regulations on administrative leave—i.e., to implement 5 U.S.C. 6329a. It also notes OPM’s authority to prescribe regulations to carry out the new statutory provisions, including the appropriate uses and the proper recording of administrative leave. Additionally, this section provides that subpart N applies to employees, as defined at 5 U.S.C. 2105, who are employed in executive branch agencies, but does not apply to intermittent employees.

§ 630.1402—Definitions

Section 630.1402 provides definitions of terms for purposes of subpart N. Explanations regarding certain definitions are provided below.

We define administrative leave to mean paid leave authorized at the discretion of an agency that is provided without loss or reduction in pay, other leave, or service credit and that is exclusive of leave authorized under any other provision of statute or Presidential directive. Thus, for example, the 5 days of excused absence granted by the Presidential memorandum of November 14, 2003, for employees returning from active military duty is not considered administrative leave under this subpart. We also clarify that administrative leave excludes periods when the employee is engaged in activities that qualify as official hours of work, such as attendance at an agency town hall meeting.

We provide that the term agency refers to an executive agency of the Federal Government. As required by 5 U.S.C. 6329a(a)(2)(c), the General Accountability Office is excluded from this definition, and thus from coverage by subpart N. When used in the context of an agency making determinations or taking actions, “agency” refers to the agency head or management officials who are authorized (including by delegation) to make a given determination or take a given action.

We define employee as an individual who is covered by subpart N as described in § 630.1401(b) and (c). As provided in that section and in 5 U.S.C. 6329a(a)(3)(A), “employee” has the meaning used in 5 U.S.C. 2105. As provided in 5 U.S.C. 6329a(a)(3)(B), intermittent employees who do not have an established regular tour of duty during the administrative workweek are excluded from the definition of “employee,” and therefore are not covered by the provisions of subpart N. While not expressly addressed in the proposed regulations, we note that

certain Presidential appointees in the executive branch are exempt from the leave system under 5 U.S.C. 6301(2)(x)-(xii) and are entitled to pay solely because of their status as officers. Such officers are not placed in leave status for any purpose; thus, subparts N, O, and P do not apply to such officers.

We define *head of the agency* to mean the head of an agency or a designated representative of such agency head who is (1) an agency headquarters-level official reporting directly to the agency head or a deputy agency head and (2) the sole such representative for the entire agency. This term is used in § 630.1403(a)(5)(i) and (b)(5).

We define *Presidential directive* to mean an Executive order, Presidential memorandum, or official written statement by the President in which the President specifically directs agency heads to provide employees with a paid excused absence under a specified set of conditions. This excludes a Presidential action that (1) merely encourages agency heads to use an agency head authority (e.g., section 6329a) to grant a paid excused absence under certain conditions or (2) leaves them with discretion regarding whether to grant excused absence in a particular scenario or discretion regarding the amount of excused absence to be granted in a particular scenario.

§ 630.1403—Principles and prohibitions

This section sets out the general principles and prohibited uses of the administrative leave authority under 5 U.S.C. 6329a and subpart N. In developing the general principles, OPM took into account past OPM policy and guidance as well as Comptroller General decisions regarding the use of general administrative leave. In paragraph (a)(1), we list three conditions. To justify any use of administrative leave, one of these conditions must be met. The first condition is that an agency may grant administrative leave when the absence directly relates to and supports the

mission of the agency. For example, an agency could grant administrative leave to an employee to attend a professional meeting or perform certain volunteer work when these relate to and support the agency's mission.

The second condition permits an agency to grant administrative leave when the absence is for an activity officially sponsored or sanctioned by the agency. For example, an agency may grant administrative leave to permit employees to participate in an American Red Cross blood donation drive being conducted in an agency facility.

The third condition permits an agency to grant administrative leave when the agency determines that the absence would be in the interest of the agency or the Government as a whole. For instance, an agency may grant administrative leave to allow an employee to participate in employee wellness or health promotion events (e.g., influenza vaccinations, health screenings, or health education forums) or to ensure that an employee has the opportunity to vote. Also, an agency may grant administrative leave to cover brief periods of tardiness or to provide for early dismissal when it is determined to be in the interest of the agency.

Section 630.1403(a)(5) provides that a determination that an absence satisfies one of the three conditions in § 630.1403(a)(1) must be (1) permitted under policies established by the head of the agency; and (2) reviewed and approved by an official of the agency who is at a higher level than the official making the determination (unless the determination is made by the head of the agency). The first requirement ensures that agency heads are accountable for adopting policies to ensure appropriate use of administrative leave, consistent with OPM regulations. The second requirement—that administrative leave be approved only after second-level review—should help prevent inappropriate uses and ensure that administrative leave is used sparingly.

Section 630.1403(a)(2) states the principle that administrative leave is not an employee entitlement, but is granted sparingly at the discretion of the agency. Accordingly, employees are not entitled to a certain number of administrative leave hours or days during any specified period, whether biweekly, monthly, or annually.

Section 630.1403(a)(3) states the principle that the appropriate use of administrative leave is for brief periods of time. In most instances, this will be no longer than 1 day; however, exceptions may be approved. For example, an exception is made for times when an employee is subject to an investigation and his or her retention in duty status is inconsistent with the best interests of the Government. In this case, the agency—prior to placing an employee on investigative leave under subpart O of these regulations—must charge administrative leave until expiration of the 10-workday limit described in 5 U.S.C. 6329a(b)(1) and § 630.1404. (See also 5 U.S.C. 6329b(b)(3)(A).)

Section 630.1403(a)(4) states the principle that administrative leave may not be established as an ongoing or recurring entitlement. Accordingly, an agency may not provide a recurring entitlement to administrative leave, for example, on an employee's birthday or on a day following a Thursday holiday. However, an agency may grant administrative leave on an ad hoc basis for an activity or event that may be ongoing or recurring and is in the Government's interest (e.g., influenza vaccinations or blood donation drives).

In addition to the general principles, § 630.1403(b) describes specific prohibited uses of administrative leave. Paragraph (b)(1) provides that an agency may not grant administrative leave on a prospective basis as part of a settlement agreement. We note that a back pay correction may provide for retroactive pay for a nonduty period—for example, when a separation is later found to be erroneous. Such a granting of retroactive pay is not a granting of

administrative leave under 5 U.S.C. 6329a, since it is authorized under the back pay law and regulations.

Section 630.1403(b)(2) provides that agencies are prohibited from using administrative leave to commemorate the death of a Federal official, consistent with 5 U.S.C. 6105. We note, however, that section 6105 does not constrain the President from exercising his or her authority in 5 U.S.C. 6103(b) to declare a holiday by Executive order in connection with the death of a President. If the President provides excused absence for Federal employees to commemorate the death of a former President, such excused absence is not a granting of administrative leave under 5 U.S.C. 6329a or subpart N, since it is granted under a Presidential directive and is also authorized as a holiday under 5 U.S.C. 6103(b). (The definition of “administrative leave” under § 630.1402 excludes paid leave authorized under Presidential directives.)

Section 630.1403(b)(3) prohibits agencies from granting administrative leave to permit an employee to participate in an event for his or her personal benefit or the benefit of an outside organization, unless the participation would satisfy one of the conditions in § 630.1403(a)(1). To permit employees to participate in these events, agencies alternatively may approve employees’ requests to adjust their work schedules or to use annual leave, leave without pay, compensatory time off, credit hours, or other earned time off.

Section 630.1403(b)(4) prohibits agencies from granting administrative leave as a reward to recognize the performance or contributions of employees. The proper personnel authorities for recognizing the performance or contributions of employees are cash awards and time-off awards. This prohibition does not affect employee attendance at agency awards ceremonies, since such attendance is considered to be on-duty time in support of the agency mission.

Section 630.1403(b)(5) prevents agencies from granting administrative leave to allow employees to engage in volunteer work or other civic activity that is not officially sponsored or sanctioned by the head of the agency, based on the agency's mission or Governmentwide interests. This prohibition bars agencies from providing administrative leave for volunteer and other activities that do not benefit the agency or serve a Governmentwide interest. A Governmentwide interest is generally documented through a statement of support by the President or the OPM Director. For employees who wish to participate in volunteer activities during basic working hours, agencies alternatively may permit work schedule adjustments or approve use of annual leave, compensatory time off, credit hours, or other earned time off, or may allow employees to take leave without pay. For long-term volunteer work, agencies may approve part-time or job sharing schedules.

§ 630.1404—Calendar year limitation

Section 630.1404 addresses the 10-workday calendar year limitation on use of administrative leave imposed by 5 U.S.C. 6329a(b)(1). Paragraph (a) states the limitation and notes that the 10-day limitation carries over when an employee transfers to another covered agency or separates and is reemployed by a covered agency within the same calendar year. For example, if an employee has been granted 6 workdays of administrative leave at one agency and then transfers to another agency, the employee may be granted only 4 more workdays of administrative leave by the gaining agency during the remainder of the calendar year.

Section 630.1404(b) provides for the conversion of the 10-workday calendar year limitation to an aggregate limit on hours in order to facilitate application of the limit to employees on different work schedules. For full-time employees who are not on an uncommon tour of duty under § 630.210, the 10-workday limitation is converted to an 80-hour limitation.

For full-time employees with an uncommon tour of duty, the converted calendar year limitation equals the number of hours in the biweekly uncommon tour of duty, averaged as necessary. For example, for an employee with an uncommon tour of 144 hours biweekly, the 10-workday limitation equates to 144 hours. (Note that the regular 80-hour calendar limit multiplied by $144/80$ equals 144 hours.) For a part-time employee, the calendar year limitation is prorated based on the number of hours in the employee's tour of duty consistent with the proration of annual and sick leave required by 5 U.S.C. 6302(c). For example, the 10-workday limitation for a half-time employee equates to 40 hours, since 80 hours times $40/80$ equals 40 hours.

Section 630.1404(c) provides that the calendar year limitation applies only to administrative leave. The limitation does not apply to investigative leave and notice leave provided under subpart O, weather and safety leave provided under subpart P, or leave provided under other statute or a Presidential directive.

Section 630.1404(d) provides that, in accordance with 5 U.S.C. 6329b(b)(3)(A), if an employee under investigation must be placed on leave and that employee has not yet reached the 10-workday calendar year limitation, administrative leave under subpart N must first be used instead of investigative leave. This is because investigative leave under subpart O may not be used until the employee has exhausted the 10-workday limitation.

Section 630.1404(e) prohibits agencies from granting additional administrative leave until the next calendar year when an employee reaches the calendar year limit. If an employee has reached his or her calendar year limit and a situation arises where the employee might have been granted administrative leave but for the limit, the employee must continue to work or use other appropriate leave (e.g., annual leave), time off, or leave without pay. When an employee is

not able to work and is not willing or able to use paid leave or time off, the agency must place the employee in leave without pay status.

§ 630.1405—Administration of leave

Section 630.1405(a) provides that the minimum charge increment (fraction of an hour) for administrative leave is the same as the agency uses for annual and sick leave.

Section 630.1405(b) states that administrative leave may be granted only for hours within an employee's tour of duty established for the purposes of charging annual and sick leave, which for full-time employees is either the 40-hour basic workweek, the basic work requirement for employees on a flexible or compressed work schedule, or an uncommon tour of duty pursuant to § 630.210.

Section 630.1405(c) states that agencies may authorize or require administrative leave for a single employee or a category of employees. It also notes that employees do not have an entitlement to administrative leave and, in particular, are not entitled to receive the full calendar year limit each year. Employees receive only the amount of administrative leave granted by the agency, which may be less (but can never be more) than the calendar year limit. This paragraph also notes that employees do not have a right to refuse administrative leave when the agency requires its use.

§ 630.1406—Records and reporting

This section provides the recordkeeping and reporting requirements regarding administrative leave. Paragraph (a) requires agencies to accurately record use of administrative leave for each employee under two categories—administrative leave used for the purposes of an investigation and administrative leave used for all other purposes. Paragraph (b) requires that agency data systems and data reports submitted to OPM record administrative leave authorized

under 5 U.S.C. 6329a and subpart N of these regulations separately from other types of leave and in the two categories noted above. This section also states that agencies must provide information on the granting of administrative leave to the Government Accountability Office as that office requires.

§ 630.1407—Separation or transfer

Under § 630.1407, agencies must certify, in a manner prescribed by OPM, the number of hours used by an employee in the two administrative leave categories during the current calendar year when the employee transfers to another agency or separates. The employee does not receive a new calendar year limitation upon (1) transfer to another agency or (2) reemployment by a covered agency after a separation within the same calendar year. Thus, the gaining agency must apply the hours reported by the losing agency to the employee's current calendar year limitation.

Subpart O – Investigative Leave and Notice Leave

§ 630.1501—Purpose and applicability

Section 630.1501(a) states the purpose of subpart O—i.e., to implement 5 U.S.C. 6329b, which allows an agency to provide a separate type of paid leave for employees who are the subject of an investigation or in a notice period. These two new categories are to be known as “investigative leave” and “notice leave.” Section 630.1501(a) notes that OPM has authority to prescribe implementing regulations under 5 U.S.C. 6329b(h)(1).

Section 630.1501(b) states this subpart applies to an employee as defined in 5 U.S.C. 2105 who is employed in an agency, excluding an Inspector General or an intermittent employee who, by definition, does not have an established regular tour of duty during the administrative workweek. This subpart does not apply to employees who are exempt from 5 U.S.C. chapter 63, such as employees of the Federal Aviation Administration (FAA) and Transportation Security

Administration (TSA) employees. (Specific laws in title 49 provide that most title 5 provisions, including chapter 63, do not apply to FAA and TSA employees. See 49 U.S.C. 114(n) and 40122(g)(2).)

Section 630.1501(c) explains this subpart applies to certain employees covered by a special personnel authority in title 38, United States Code, even though that authority would normally allow those employees to be exempted from title 5 leave provisions.

§ 630.1502—Definitions

Section 630.1502 provides definitions of various terms. The definitions align with definitions found in the law. Explanations regarding certain definitions are provided below.

We are defining the term *investigation* to mean an inquiry regarding an employee. Examples of an inquiry may include: (1) an employee's alleged misconduct that could result in an adverse action as described in 5 CFR part 752 or similar authority; (2) security concerns, including (but not limited to) whether the employee should retain eligibility for logical access to agency facilities and systems under the standards established by Homeland Security Presidential Directive (HSPD) 12 and guidance issued pursuant to that directive; or (3) other matters that could lead to disciplinary action.

We are defining the term *investigative entity* consistent with the statutory definition in 5 U.S.C. 6329b(a)(6); however, we are adding language to make clear that an internal investigative unit may be composed of one or more persons, such as supervisors, managers, human resources practitioners, workplace violence prevention team members, or other agency representatives.

In the definition of the term *notice period*, we have clarified when the notice period ends. For an employee with respect to whom an adverse action is being taken, the notice period ends

on the effective date of the adverse action. For an employee for whom an adverse action is not being taken, the notice period ends on the date on which the agency notifies the employee that no adverse action will be taken.

We are providing a definition of *participating in a telework program*, which term is used in § 630.1503(c)(1)(iii). An employee is considered to be participating in a telework program if the employee is eligible to telework and has an established arrangement with his or her agency under which the employee is approved to participate in the agency telework program, including on a routine or situational basis. Thus, an employee who teleworks on a situational basis is considered to be continuously participating in a telework program even if there are extended periods during which the employee does not perform telework.

We are providing a definition of *telework site*, which is defined as a location where an employee is authorized to perform telework as described in 5 U.S.C. chapter 65, such as an employee's home.

§ 630.1503—Authority and requirements for investigative leave and notice leave

Separate from the administrative leave authorized by 5 U.S.C. 6329a and subpart N, new § 630.1503 establishes two new forms of paid leave on which agencies may place employees who are under investigation or who have received a notice of a proposed adverse action. These two new categories are to be known as “investigative leave” under §630.1503(a)(1) and “notice leave” under § 630.1503(a)(2). Investigative leave and notice leave are not employee entitlements. Instead they are intended to provide the employing agency with the means of removing an employee from the workplace and keeping the employee away from the workplace while the agency investigates the employee or during the notice period of a proposed adverse action against that employee (or both). The default situation should be that an employee who is

being investigated or against whom an adverse action has been proposed will remain in a duty status in his or her regular position during the investigation or notice period. Investigative leave or notice leave should be applied only when the agency makes the required determination that the employee must be removed from the workplace during a period of investigation or during a notice period in order to protect agency facilities or systems, the Federal workforce, or the public from harm. In these circumstances, after the required consideration of other options, an agency may place an employee on investigative leave or notice leave. An agency may also consider requiring an employee who is otherwise telework-eligible and who is currently (or recently) participating in the agency telework program to telework from home or another approved location as an alternative to investigative leave. (Any such assessment, however, will need to take into account whether the employee should retain eligibility for logical access to agency systems under the standards established by Homeland Security Presidential Directive (HSPD) 12 and guidance issued pursuant to that directive).

Section 630.1503(a)(1) states one of the conditions that must be met before an employee may be placed on investigative leave—namely, that the employee is “the subject of an investigation.”

Section 630.1503(a)(2)(i) authorizes notice leave when an employee is in a notice period. An employee who has not received an advance notice of proposed adverse action under 5 CFR chapter 752 may not be provided notice leave. Section 630.1503(a)(2)(ii) authorizes notice leave, following a placement of an employee on investigative leave, which may be provided after the last day of the period of investigative leave if the agency proposes an adverse action against the employee under 5 CFR chapter 752 or similar authority. This means investigative leave and notice leave may be used consecutively in some instances. Agencies should be mindful,

however, of any internal procedures related to the preparation and approval of a proposed adverse action before it is issued. If the agency determines that the employee continues to meet the criteria of § 630.1503(b)(1) and one or more of the options in § 630.1503(b)(2) is not appropriate, the agency may not transition the employee from investigative leave to notice leave until such time as it has issued the notice of proposed adverse action.

Section 630.1503(b) sets forth the limited circumstances under which an agency may place an employee on investigative leave or notice leave, consistent with the statutory requirements in 5 U.S.C. 6329b(b)(2). First, as provided in paragraph (b)(1), the agency has to make a determination that the continued presence of the employee in the workplace while under investigation or in a notice period will pose a threat to the employee or others, result in the destruction of evidence relevant to an investigation, result in loss or damage to Government property, or otherwise jeopardize legitimate Government interests. (See 5 U.S.C. 6329b(b)(2)(A).) This determination is accomplished through an assessment of baseline factors. Second, as provided in paragraph (b)(2), the agency must consider required options instead of the use of investigative leave or notice leave.

The baseline factors referenced in § 630.1503(b)(1) are identified in § 630.1503(e), but are described at this point in the section-by-section review of the regulations given their essentiality in making a determination under paragraph (b)(1) regarding whether an employee's continued presence in the workplace is appropriate. Under 5 U.S.C. 6329b(h)(1)(C), OPM is required to prescribe regulations regarding baseline factors. The baseline factors the agency must consider when making a determination under paragraph (b)(1) are: (1) the nature and severity of the employee's exhibited or alleged behavior, (2) the nature of the agency's or employee's work and the ability of the agency to accomplish its mission, and (3) other impacts

of the employee's continued presence in the workplace detrimental to legitimate Government interests, including (but not limited to) whether the employee will pose an unacceptable risk to (i) the life, safety, or health of employees, contractors, vendors or visitors to a Federal facility; (ii) the Government's physical assets or information systems; (iii) personal property; (iv) records, including classified, privileged, proprietary, financial or medical records; or (v) the privacy of the individuals whose data the Government holds in its systems.

The baseline factors are to be used as a starting point when determining whether an employee should be placed on investigative leave or notice leave. Each baseline factor should be considered. Agencies should exercise independent, reasonable judgment in evaluating each particular situation. Agencies should consult with their human resources office or their general counsel, or both, to the extent appropriate, before placing an employee on investigative leave or notice leave.

- *Nature and severity of the employee's exhibited or alleged behavior.*

An agency may determine investigative leave and/or notice leave is necessary because of the nature and severity of the employee's exhibited or alleged behavior. The behavior could be the basis for the investigation and/or be the reason for the proposed adverse action. In some cases, however, the behavior may be exhibited during or following an investigation or proposed adverse action. The nature and severity of the behavior may be in the form of danger to the employee or others, or to Government networks, systems, or property.

Examples of possible threats include direct or veiled threats of harm, belligerence, harassing, bullying, or other inappropriate and aggressive behavior. The employee may have made statements and/or engaged in behaviors that have intimidated other employees or management may have determined that statements or behaviors, because of their disturbing

nature, have disrupted the workplace. The behavior may be directed at another individual or may involve physical damage to or destruction of Government property or the misuse of agency systems or the data they contain; it could also involve a plan to commit, threat to commit, or attempt to commit such conduct. Examples include but are not limited to assaulting a co-worker, supervisor, or agency client; menacing conduct, such as destruction of furniture or other action that puts another individual in reasonable fear of immediate bodily injury. The nature and severity of the employee's exhibited or alleged behavior may involve agency computer systems and other technologies, as well as data handling and access. Examples could include attempting to gain or actually obtaining unauthorized access to systems disbursing money or to classified information. When appropriate, agencies should work closely with their information systems management and/or cyber security advisors to identify patterns of behavior that may indicate the potential for malicious activity on information systems. The agency should identify any relationship between the perceived threat and the technology that may be vulnerable. These considerations relate to the agency's responsibility to determine internal security practices, which includes developing policies and practices designed to safeguard personnel, property or operations, as well as developing a plan to prevent damage to or loss of agency property.

- *Nature of the work and the ability of the agency to accomplish its mission.*

In determining whether to place an employee on investigative leave and/or notice leave, it is important to consider the relationship between the employee's behavior and his or her ability to perform work successfully and without unreasonable risk to the agency during the investigation or notice period and accomplish his or her duties satisfactorily. Among the considerations would be the nature of the employee's duties, the employee's job level, and/or whether the employee has a supervisory or fiduciary role. An employee's contact with the public

and the prominence of his or her position are additional considerations that an agency may evaluate in relationship with the alleged misconduct.

- Other impacts detrimental to legitimate Government interests, including whether the employee will pose an unacceptable risk to (1) the life, safety, or health of employees, contractors, vendors or visitors to a Federal facility; (2) the Government's physical assets or information systems; (3) personal property; (4) records, including classified, privileged, proprietary, financial or medical records; or (5) the privacy of the individuals whose data the Government holds in its systems.

This factor represents a broad category that agencies may apply given their individual missions. This could include a range of workplace behaviors and actions that could impede the normal course of work, or have a harmful effect on the safety and order of the workplace.

Possible aspects the agency may wish to review in this regard include the extent to which the employee's presence in the workplace or access to agency systems may impair or disrupt agency operations, place systems at risk, harm public confidence in the agency, or otherwise have a detrimental impact on legitimate Government interests. It is advisable for agencies to consult with their legal counsel to determine what situations and circumstances would be detrimental to legitimate Government interests in light of other authorities such as HSPD 12. Differences in agency mission or agency practice, or other internal regulations, may affect this determination.

When considering these baseline factors, agencies should evaluate the duration of the risk; the nature and severity of the potential harm; how likely it is that the potential harm will occur; and how imminent the potential harm is. The agency may not arbitrarily place individuals on investigative leave or notice leave based upon fear of a future risk without engaging in an

individualized assessment that establishes that there is a significant risk of substantial harm that cannot be eliminated or reduced by other means.

Section 630.1503(b)(2) requires that the agency consider other options where appropriate to minimize the amount of investigative leave or notice leave provided to an employee, consistent with 5 U.S.C. 6329b(b)(2)(B). Thus, if the agency makes a determination that the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period meets the criteria of § 630.1503(b)(1), the agency must also consider certain options before placing the employee on investigative leave or notice leave. The options that must be considered are: (1) assigning the employee to duties in which the employee is no longer a threat, (2) allowing the employee to voluntarily take another type of leave, (3) carrying the employee in absent without leave status if the employee is absent from duty without approval, and (4) curtailing the notice period, consistent with chapter 75 of title 5 of the U.S. Code and OPM regulations thereunder. The agency may elect to implement one or a combination of these options. Consideration of these options is consistent with adverse action procedures in 5 CFR 752.404(b)(3).

An agency needs to assess whether one or more of the options required to be considered is or are appropriate, and, if so, which is the most appropriate to address concerns about the continued presence of the employee in the workplace and to resolve the safety or security issue(s) presented by the employee. The manager should work closely with the agency's human resources advisors during the process of reviewing the options for consideration. The agency must determine that none of the options is appropriate before placing an employee on investigative leave or notice leave. In addition, agencies may require an employee who is telework-eligible and has, in fact, been teleworking from home or another approved location as

an alternative to placing the employee on investigative leave if telework will adequately reduce or eliminate the potential for harm.

Section 630.1503(b)(2)(i) sets forth the option of keeping the employee in a duty status by assigning the employee to duties in which the employee does not pose a threat. The duties should be at the same grade level as the employee's current position. The change in duties may also involve a change in the location where the employee works, subject to limitations related to the local commuting area. In considering this alternative in lieu of investigative leave, an agency may consider requiring an employee who participates in a telework program to perform duties from a telework site, as provided in § 630.1503(c). Assigning the employee to other duties may enable the agency to maintain the safety and security of the workplace while continuing to benefit from the employee's skillset and abilities to further the agency's mission.

Section 630.1503(b)(2)(ii) sets forth the option of allowing the employee to take leave (paid or unpaid) or other forms of paid time off, as appropriate under the rules governing each category of leave or paid time off. An employee who is under investigation or in a notice period may elect to take annual leave, sick leave (as appropriate), restored annual leave, or any leave earned under subchapter I of chapter 63, of the United States Code. The employee may also elect to use other paid time off in order to remain in a pay status, including paid time off that is about to expire, such as compensatory time off earned through overtime work, compensatory time off for travel, and credit hours under a flexible work schedule, as appropriate. An employee may elect to take leave or other paid time off for which the employee is eligible on an intermittent basis, as appropriate, during a period of investigative leave or notice leave. Agencies may not require employees to take accrued leave or other time off as a substitute for investigative leave or notice leave, and may deny employee requests to use advanced leave.

Section 630.1503(b)(2)(iii) sets forth the option of carrying the employee in an absent without leave (AWOL) status, if the employee is absent from duty without approval. If the employee returns to a duty status, the AWOL would end. The agency could then place the employee on investigative leave or notice leave, as appropriate, only after the agency has analyzed the remaining considerations discussed in this section.

Section 630.1503(b)(2)(iv) sets forth the option of curtailing an employee's notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed. Under 5 CFR 752.404(d), this same option of curtailing the notice period is provided as an exception to the requirement for a 30 days' advance written notice period. Thus, this exception would shorten the length of the notice period, but the notice period would still not end until the adverse action is effectuated or until the employee is notified that no adverse action will be taken.

Section 630.1503(c) regulates that an agency may require an employee who is already a participant in the agency telework program, to perform duties similar to the duties that the employee performs at the normal worksite through telework as an alternative to placing an employee on investigative leave. This option to require telework is consistent with 5 U.S.C. 6502(c). (Section 6502(c) expressly links to the investigative leave law in 5 U.S.C. 6329b. Section 6329b also includes references to section 6502(c) in subsections (d)(1)(E) and (f)(1)(F). Thus, OPM is incorporating provisions that implement the section 6502(c) requirements as part of its regulations of section 6329b.) An agency may require an employee to perform telework if the requirement for the employee to telework would not pose a threat to the employee or others, result in the destruction of evidence relevant to an investigation, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests. Furthermore,

the agency must determine that (1) the employee is eligible to telework under the eligibility conditions found in 5 U.S.C. 6502(a) and (b) and (2) and is actually participating in the agency telework program and it would be appropriate for the employee to perform his or her duties through telework.

Under subsection (c) of 5 U.S.C. 6502, an agency may require telework in lieu of investigative leave if the employee is “eligible to telework under subsections (a) and (b)” of that section. Section 6502(a) is titled “Telework Eligibility” and requires agencies to establish policies related to telework eligibility, subject to certain limitations in section 6502(a)(2). Section 6502(b) is titled “Participation,” but includes eligibility conditions in paragraph (b)(4). Paragraph (b)(4) states that, except in emergency conditions, telework shall not apply to any employee whose official duties require on a daily basis (every workday) (1) direct handling of secure materials that are inappropriate for telework or (2) on-site activity that cannot be handled at another location. OPM considers the requirement in section 6502(b)(2) to have a written telework agreement to be a procedural requirement related to participation, not an eligibility requirement. However, based on our understanding of the intent of Congress, we are regulating that the authority to require telework under section 6502(c) applies only to an employee who has been a participant in the telework program during any portion of the 30-day period immediately preceding the commencement of investigative leave (or the commencement of required telework in lieu of the commencement of such leave). Any existing telework agreement will be superseded as necessary in order to comply with an agency’s action to require telework under section 6502(c) and § 630.1503(c).

An agency requiring an employee to perform duties through telework is obligated to provide the employee appropriate work assignments and equipment. An agency may determine

it is not appropriate for the employee to telework because it would require the employee to access agency files or to contact agency personnel, directly handle secure materials, or perform official duties that cannot be performed at an alternative worksite.

An employee who is required to telework should be issued a notification indicating that he or she is being directed to telework, and the notification should clarify that any telework agreement is superseded as necessary. Further, the notification should identify expectations and requirements during the period of required telework.

A telework-eligible employee required by an agency to telework under these conditions may be granted leave or other paid time off, as appropriate. An employee who refuses to telework when required by the agency under these conditions and is absent from telework duty without approval may be placed in AWOL status, consistent with agency policies.

Section 630.1503(d)(1) authorizes an agency to return an employee to duty at any time if the agency reassesses its determination to place the employee on investigative leave or notice leave. It also provides that an employee on investigative leave or notice leave must be prepared to report to work at any time during the employee's regularly scheduled tour of duty or must obtain approval of leave to eliminate the possible obligation to report to work if the employee believes that he or she would be unable to report promptly if called. While investigative leave is approved in increments of up to 30 workdays (see § 550.1504(b), (f), and (g)), an employee may be required to return to duty before an employee has reached the applicable 30-workday limit.

Section 630.1503(d)(2) applies to an employee on investigative leave. An agency may reassess its determination that the employee must be removed from the workplace based on the criteria in § 630.1503(b)(1) and its determination that the options in § 630.1503(b)(2) of this

section are not appropriate. An agency may also reassess its previous determination to require or not require telework under paragraph (c) of this section.

Section 630.1503(d)(3) applies to an employee on notice leave. An agency may reassess its determination that the employee must be removed from the workplace based on the criteria in § 630.1503(b)(1) and its determination that the options in § 630.1503(b)(2) of this section are not appropriate.

Section 630.1503(d)(4) provides that, while an employee is on investigative leave or notice leave, the employee has an obligation to report promptly to an approved duty location if directed by his or her supervisor. Any failure to so report may be recorded as absent without leave, which can lead to disciplinary action. An employee who anticipates that he or she may be unavailable to report to duty promptly must request scheduled leave or paid time off in advance, in lieu of investigative leave. Given these regulatory requirements, an agency may consider adding language regarding these requirements in the notification regarding the employee's placement on investigative leave.

Section 630.1503(e) describes the baseline factors to be used in making a determination under § 630.1503(b)(1). (See the detailed description of those factors under the discussion of § 630.1503(b)(1) above.)

Section 630.1503(f) provides that agencies must use the same minimum charge increments for investigative and notice leave as it does for annual and sick leave under § 630.206.

§ 630.1504—Administration of investigative leave

Section 630.1504 explains that an employee under investigation will remain in a duty status, except when the agency determines that the employee's continued presence in the

workplace meets the criteria described in § 630.1503(b)(1) and that none of the options under § 603.1503(b)(2) are appropriate.

Section 630.1504(a) explains that investigative leave may not commence until the employee's use of administrative leave under subpart N has reached the 10-workday calendar year limitation described in 5 U.S.C. 6329a(b)(1) and § 630.1404, as converted to hours under § 630.1404(b), and the agency determines that further investigation of the employee is necessary. The agency may conduct its investigation during the period of administrative leave provided under subpart N.

The limitation of 10 workdays of administrative leave under subpart N is a calendar year aggregate limit. If the 10-workday limit is reached in the calendar year in which the employee is placed on investigative leave, the period of investigative leave may continue into the next calendar year without the employee having to exhaust the 10 workdays of administrative leave permitted for use in the next calendar year. In other words, once triggered and commenced, investigative leave would continue as long as permitted without needing to again meet the requirement to exhaust 10-workday limit on administrative leave in a later calendar year. Agencies are expected to expeditiously work to resolve investigations so that the employee can return to duty or the agency can initiate an appropriate personnel action. If an agency determines that continued investigation of the employee is necessary after the 10-workday limitation of administrative leave has been reached, it must follow the procedures outlined in §630.1503(b)—i.e., threat determination and consideration of options—before placing the employee on investigative leave for up to 30 workdays.

Section 630.1504(b) provides that an agency may place the employee in an initial period of investigative leave under § 630.1503(a)(1) for a period of not more than 30 workdays. An

employee may be placed on investigative leave intermittently. In other words, a period of investigative leave may be interrupted by (1) on-duty service performed under paragraph (b)(2)(i) or (c) of § 630.1503, (2) leave or paid time off in lieu of such service under paragraph (b)(2)(ii) of § 630.1503, or (3) AWOL under paragraph (b)(2)(iii) of § 630.1503.

Section 630.1504(c) requires an agency to provide an employee a written explanation of his or her placement on investigative leave. The written explanation must describe the limitations on the leave placement, including the limitation on the duration of the investigative leave, and include notice that, at the conclusion of the period of investigative leave, the agency must take an action under § 630.1504(d). Furthermore, the agency must include notice that placement on investigative leave for 70 workdays or more is considered a “personnel action” in applying the prohibited personnel practices provisions at 5 U.S.C. 2302(b)(8)-(9).

Section 630.1504(d) provides that, not later than the day after the last day of an initial or extended period of investigative leave, an agency must take action to return the employee to regular duty status, take one or more of the actions under § 630.1503(b)(2), propose an adverse action against the employee as provided under law, or extend the period of investigative leave under § 630.1504(f) and (g). The requirement for agencies to take action at the conclusion of the period of investigative leave holds agencies accountable for the amount of paid leave provided to an employee under investigation for alleged misconduct and prevents situations where employees remain on paid leave for long periods of time without active investigation.

Section 630.1504(e) states that an investigation of an employee may continue after the expiration of the initial 30-workday period of investigative leave. Many factors and variables can require longer than 30 workdays for an agency to conduct an investigation, including but not limited to the nature and complexity of the issue(s), the number of witnesses, the availability of

witnesses, and the coordination with other offices who have relevant evidence. If an agency requires more than 30 workdays to conduct its investigation, an extension may be approved by an authorized official. An employee under investigation is not required to be placed on investigative leave; therefore, the investigation may continue even if the employee is returned to regular duty status and is no longer on investigative leave. An agency may extend the period of investigative leave after the initial 30-workday period of investigative leave ends by following the procedures outlined in § 630.1504(f) and (g).

Section 630.1504(f)(1) allows an agency to extend the period of investigative leave for the employee—using increments of 30 workdays for each extension—when approved by the appropriate agency official upon determination that further time is required to conduct a full and fair investigation. It is conceivable that some investigations will be more involved and complex than others and require more than a 30-workday period of investigation; therefore, agencies must have the ability to extend an employee's period of investigative leave.

Section 630.1504(f)(2) provides that the total period of the extension of investigative leave under § 630.1504(f) may not exceed 90 workdays, which translates into 3 incremental extensions of 30 workdays. This 90-day limit applies to extensions of investigative leave associated with a single initial period of investigative leave. In practice, this means that an employee must first exhaust his or her 10 workdays of administrative leave under 5 U.S.C. 6329a, before the agency may provide an initial period of investigative leave for 30 workdays under § 630.1503(a)(1). If there is a continued need to keep the employee on investigative leave, an authorized official may approve extension of investigative leave in increments of 30 workdays, not to exceed a total 90 workdays for the extensions under § 630.1504(f).

Section 630.1504(f)(3)(i) permits an incremental 30-workday extension under paragraph (f)(1) only if the agency makes a written determination reaffirming that the employee must be removed from the workplace based on the criteria in § 630.1503(b)(1) and that the options in § 630.1503(b)(2) are not appropriate. In other words, the same criteria used for an initial placement on investigative leave must be used in approving any extension.

Section 630.1504(f)(3)(ii) provides that an incremental extension of investigative leave under paragraph (f)(1) of this section is permitted only if approved by the Chief Human Capital Officer (CHCO) of an agency (i.e., a CHCO designated or appointed under 5 U.S.C. 1401, or an equivalent officer), or the designee of the CHCO, after consulting with the investigator responsible for conducting the investigation of the employee. The CHCO approval provides fairness, transparency, and accountability while allowing agency management to be actively involved in the decision to extend investigative leave. Agencies will be responsible for identifying the factors the CHCO or designee must consider in granting an extension of investigative leave and reflecting those considerations in the agency's internal policies. Requests for extensions of investigative leave should be used sparingly (e.g., to accommodate complex investigative processes), and the CHCO or designee must act in a timely manner on such requests for an extension. Agencies should not submit automatic requests for extensions.

Section 630.1504(f)(3)(iii) provides that, in the case of an employee of an Office of Inspector General, an incremental extension under § 630.1504(f)(1) is permitted only if approved by the Inspector General or designee (rather than the CHCO or designee) after consulting with the investigator responsible for conducting the investigation of the employee. However, as an alternative, the Inspector General may request that the head of the agency designate an official of

the agency within which the Office of Inspector General is located to approve an extension of investigative leave for employees in that office.

Section 630.1504(f)(4) requires that in delegating authority to a designated official to approve an incremental extension as described in § 630.1504(f)(3) of this section, an agency must pay heed to the designation guidance issued by the CHCO Council under 5 U.S.C. 6329b(c)(3), except that, in the case of approvals for an employee of an Office of Inspector General (OIG), an agency must pay heed to the designation guidance issued by the Council of the Inspectors General on Integrity and Efficiency under 5 U.S.C. 6329b(c)(4)(B). Adherence to this designation guidance ensures that the designee authorized to approve an extension of investigative leave is at a sufficiently high level within the OIG or the agency, as applicable, to make an impartial and independent determination regarding the extension. Agencies should be aware, however, that this involvement could potentially disqualify the individual from serving as the deciding official in any subsequent adverse action.

Section 630.1504(g) provides that after reaching the maximum number of extensions of investigative leave under §630.1504(f), an official authorized to approve an extension under § 630.1504(f)(3) may approve further incremental extensions of investigative leave for periods of 30 workdays for each extension. Those approvals must be based on the same criteria used to approve the initial period of investigative leave and the extensions under § 630.1504(f). While agencies must be allowed to take the time needed to conduct a full and fair investigation of the employee, agencies are not permitted to keep an employee on investigative leave indefinitely. Therefore, not later than 5 business days after granting each further extension of investigative leave, the agency must submit a report documenting the further extension of investigative leave to the Committee on Homeland Security and Governmental Affairs of the Senate and the

Committee on Oversight and Government Reform of the House of Representatives, along with any other committees of jurisdiction.

The agency report must contain: (1) the title, position, office or agency subcomponent, job series, pay grade, and salary of the employee; (2) a description of the duties of the employee; (3) the reason the employee was placed on investigative leave; (4) an explanation as to why the employee meets the criteria described in § 630.1503(b)(1) and why the agency is not able to temporarily reassign the employee to different duties within the agency under § 630.1503(b)(2); (5) in the case of an employee required to telework under 5 U.S.C. 6502(c) during the investigation, the reasons that the agency required the employee to telework and the duration of the teleworking requirement; (6) the status of the investigation of the employee; (7) the certification by an investigative entity that additional time is needed to complete the investigation of the employee and an estimate of the amount of time that is necessary to complete the investigation of the employee; and (8) in the case of a completed investigation of the employee, the results of the investigation and the reason the employee remains on investigative leave. While not required to be included in the report, agencies should be prepared to explain their decision not to require a telework-eligible employee to telework during the period of investigation.

Section 630.1504(h) provides an agency may not further extend a period of investigative leave of an employee on or after the date that is 30 calendar days after the completion of the investigation of the employee by an investigative entity. After investigative leave is ended, the agency must take action under § 630.1504(d).

Section 630.1504(i) explains that, pursuant to new 5 U.S.C. 6329b(g), and for purposes of 5 U.S.C. chapter 12, subchapter II, and section 1221, and recourse to the Office of Special

Counsel, placement on investigative leave under this subpart for a period of 70 workdays or more shall be considered a personnel action in applying the prohibited personnel practices provisions at 5 U.S.C. 2302(b)(8) or (9). Previously, an employee had no means to contest an agency decision to place him or her on administrative leave for a reason proscribed at 5 U.S.C. 2302(b)(8) or (9), given that the employee continued to receive pay. This provision provides independent review for employees who have been on investigative leave for at least 70 workdays and who allege conduct prohibited under 5 U.S.C. 2302(b)(8) or (9). Consistent with current case law, the placement on investigative leave or notice leave is not an adverse action.

Section 630.1504(j) explains the conversion of workdays to hours applicable in this subpart. The limitations based on workdays (i.e., the 30-workday increments in paragraphs (b), (f), and (g) of this section and the 70-workday limit in paragraph (i) of this section) must be converted to hours, taking into account the different workdays that can apply to employees under different work schedules.

Section 630.1504(j)(1) applies to a full-time employee (including an employee on a regular 40-hour basic workweek or a flexible or compressed work schedule under 5 U.S.C. chapter 61, subchapter II, but excluding an employee on an uncommon tour of duty). Based on an 8-hour workday, the 30-workday increment is converted to 240 hours. The 30-workday increment is the equivalent of 6 calendar weeks of investigative leave. The 70-workday limit is converted to 560 hours.

Section 630.1504(j)(2) applies to a full-time employee with an uncommon tour of duty under § 630.210. The 30-workday increment is converted to three times the number of hours in the biweekly uncommon tour of duty (or the average biweekly hours for uncommon tours for which the biweekly hours vary over an established cycle). The 30-workday increment is the

equivalent of 6 calendar weeks of investigative leave. The 70-workday limit is converted to a number of hours derived by multiplying the hours equivalent of 30 workdays (for a given uncommon tour) times the ratio of 70 divided by 30.

Section 630.1504(j)(3) applies to a part-time employee. The calendar year limit is prorated based on the number of hours in the officially scheduled part-time tour of duty established for purposes of charging leave when absent (e.g., for a part-time employee who has an officially scheduled half-time tour of 40 hours in a biweekly pay period, the 30-workday increment is converted to 120 hours, which is half of 240 hours (the 30-workday increment for full-time employees)). The proration is consistent with the proration of annual and sick leave required under 5 U.S.C. 6302(c).

§ 630.1505—Administration of notice leave

Section 630.1505(a) provides that notice leave may commence only after an employee has received written notice of a proposed adverse action. There is no requirement that the employee exhaust his or her 10 workdays of administrative leave under 5 U.S.C. 6329a(b) and § 630.1405 before the employee may be placed on notice leave.

Section 630.1505(b) provides that the placement of an employee on notice leave shall be for a period not longer than the duration of the notice period.

Section 630.1505(c) provides that, if an agency places an employee on notice leave, the agency must provide the employee a written explanation regarding the placement of the employee on notice leave. The written explanation must provide information on the employee's notice period and include a statement that the notice leave will be provided only during the notice period.

§ 630.1506—Records and reporting

Section 630.1506(a) requires an agency to maintain an accurate record of the placement of an employee on investigative leave or notice leave by the agency. The specific information that must be kept in agency records is identified, consistent with the requirements in 5 U.S.C. 6329b(f). OPM may add additional recordkeeping requirements as it deems appropriate.

Section 630.1506(b)(1) requires an agency to make a record kept under § 630.1506(a) available, upon request, to any committee of jurisdiction, to OPM, to the Government Accountability Office, and as otherwise required by law. However, § 630.1506(b)(2) provides that any action to make a record available is subject to other applicable laws, Executive orders, and regulations governing the dissemination of sensitive information related to national security, foreign relations, or law enforcement matters.

Section 630.1506(c)(1) requires agencies to properly record the granting of investigative leave and notice leave. In agency data systems and in data reports submitted to OPM, an agency must record investigative leave and notice leave under 5 U.S.C. 6329b and this subpart as categories of leave separate from other types of leave. The leave must be recorded as either investigative leave or notice leave, as applicable.

GAO found in its 2014 report that agency policies on paid administrative leave differ across agencies, including the way agencies record paid administrative leave. These proposed regulations provide clear guidance on the use of administrative leave, which, in turn, will promote more consistent recording and documentation of various categories of administrative leave. In order to accurately measure the use of paid administrative leave across Federal agencies, agencies must have a consistent method of documenting the use of administrative leave. Specifically, agencies must properly record administrative leave and distinguish it from leave that is otherwise authorized by other statutory provisions, such as military leave, bone

marrow/organ donor leave, and court leave. Without proper recording of leave taken, it is difficult to determine how much administrative leave is actually being used and to hold agencies accountable for its use.

Therefore, for recording purposes, OPM is creating two new categories to record leave granted under 5 U.S.C. 6329b: (1) investigative leave and (2) notice leave. Investigative leave and notice leave must be recorded on an hourly basis, not to exceed the limitations outlined in § 630.1504.

Section 630.1506(c)(2) requires agencies to provide information to the Government Accountability Office as that office requires in order to submit reports to specified Congressional committees required under section 1138(d)(2) of Public Law 114-328. These reports must be submitted not later than 5 years after December 23, 2016, and every 5 years thereafter.

Subpart P – Weather and Safety Leave

§ 630.1601—Purpose and applicability

Section 630.1601(a) addresses the purpose of the proposed regulations on weather and safety leave—i.e., to implement 5 U.S.C. 6329c, which created a new category of paid leave that applies when weather and safety conditions prevent employees from safely traveling to or performing work at an approved location due to an act of God, a terrorist attack or other applicable conditions. Unlike the previous administrative leave used for weather-related incidents, OPM now has the authority to prescribe regulations to carry out the new statutory provisions, including the appropriate uses and the proper recording of weather and safety leave. Additionally, § 630.1601(b) provides that subpart P applies to employees, as defined at 5 U.S.C. 2105, who are employed in executive branch agencies, but does not apply to intermittent employees.

§ 630.1602—Definitions

Section 630.1602 provides definitions of various terms used in subpart P. The definitions align with the definitions found in the law.

The statute at 5 U.S.C. 6329c(b)(1) uses the term “act of God.” We define act of God for purposes of subpart P as an act of nature such as hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches. While this definition covers only natural disasters, weather and safety leave may also be authorized for other conditions that prevent employees from safely traveling to or performing work at an approved location (for example, agency-specific emergencies such as a building fire, power outage, or burst water pipes).

The statute at 5 U.S.C. 6329c(a)(1) defines “agency” as an Executive agency of the Federal Government as described in 5 U.S.C.105, including the Department of Veterans Affairs, but excluding the Government Accountability Office. The definition of agency in § 630.1602 follows the statutory definition except that we did not note the inclusion of the Department of Veterans Affairs since that agency is already included by way of 5 U.S.C. 105. We also state that when “agency” is used in the context of an agency making determinations or taking actions, it means the agency head or management officials who are authorized (including by delegation) to make a given determination or take a given action.

We define employee as an individual who is covered by subpart P, as provided in § 630.1601(b) and (c).

We define participating in a telework program to refer to a telework-eligible employee who has an established arrangement with his or her agency under which the employee is approved to participate in the agency telework program, including on a routine or situational basis. Thus, an employee who teleworks on a situational basis is considered to be continuously

participating in a telework program even if there are extended periods during which the employee does not perform telework. This term is used in § 630.1605(a).

We define *telework site* as a location where an employee is authorized to perform telework as authorized under 5 U.S.C. chapter 65, such as an employee's home.

We define *weather and safety leave* as paid leave provided under the authority of 5 U.S.C. 6329c and subpart P.

§ 630.1603—Authorization

Section 630.1603 addresses the conditions under which an agency may authorize weather and safety leave—i.e., a severe weather event or other emergency that prevents an employee from safely traveling to or performing work at an approved work location.

§ 630.1604—OPM and agency responsibilities

Section 630.1604(a) addresses OPM's responsibility to prescribe regulations and guidance related to the appropriate use of weather and safety leave, including guidance on dismissal/closure policies and procedures related to such leave. Such guidance will deal not only with when it is appropriate to provide weather and safety leave, but also when other workplace flexibility options (including other leave, telework, and flexible work schedules) should be utilized instead of weather and safety leave. In the past, OPM has issued dismissal/closure policies and procedures focused on the Washington, DC, area where OPM, through longstanding practice, has exercised responsibility for issuing operating status announcements in emergency situations. (This responsibility involves taking the lead in coordinating with municipal and regional officials—e.g., National Weather Service, the District of Columbia, suburban governments, Departments of Transportation, public transportation providers, public utilities, and law enforcement. This coordination is designed to avoid dramatic disruptions of the

highway and mass transit systems.) After issuing final regulations on weather and safety leave, OPM intends to issue Governmentwide guidance on dismissal/closure policies and procedures to assist agencies in complying with the weather and safety leave regulations and to promote the use of consistent terminology throughout the Government.

Also, § 630.1604(a) states that when OPM issues any operating status announcement for the Washington, DC, area, the specific policies and procedures communicated with that announcement must be consistent with OPM regulations and Governmentwide guidance on closures and dismissals.

Section 630.1604(b) describes agency responsibilities to (1) establish policies and procedures related to weather and safety leave that are consistent with OPM regulations and guidance and (2) use terminology required by OPM-issued Governmentwide guidance for any operating status announcements issued by an agency (for a specific location).

§ 630.1605—Telework and emergency employees

Section 630.1605 provides exclusions to the granting of weather and safety leave when an employee is eligible for and participating in an agency telework program or is designated as an “emergency employee.”

- Telework employees

Section 630.1605(a)(1) states that agencies may not grant weather and safety leave to employees who are participating in a telework program and who are not prevented from safely working at an approved telework site. This implements the statutory provision at 5 U.S.C. 6329c(b) that prescribes that weather and safety leave may be provided when employees are prevented from safely traveling to or performing work “at an [i.e., any] approved location.” Employees who are eligible to telework are typically not prevented from performing work at

their approved telework site (e.g., home) because they are not required to work at their regular worksites. Accordingly, when employees have the ability to telework, they are not considered to be prevented from performing work at an approved location. This regulatory condition for the granting of weather and safety leave is not contingent on the condition being included in the employee's telework agreement.

Section 630.1605(a)(2) permits exceptions to the telework requirement when, in the agency's judgment, the employee was not able to prepare for teleworking and is otherwise not able to perform productive work at the telework site (e.g., due to lack of portable work or equipment problems). An agency may permit an exception to the telework requirement when an employee is prepared to telework but is prevented from safely doing so by conditions applicable to the telework site. However, the agency may decide not to approve weather and safety leave to an employee who can safely travel to or perform work at a regular worksite even if it is a scheduled telework day for the employee.

Section 630.1605(a)(3) requires the agency to evaluate whether the weather or safety conditions could be reasonably anticipated and whether the employee took reasonable steps (within the employee's control) to prepare for telework (such as by bringing any needed equipment and work home). If the employee failed to make the necessary preparations, the agency may not grant weather and safety leave. In this case, the employee's only options would be to use other appropriate paid leave or paid time off, or leave without pay.

- Emergency employees

Section 630.1605(b) provides that agencies may designate emergency employees as necessary for critical agency operations and for whom the general granting of weather and safety leave generally does not apply. Agencies may designate different emergency employees for the

various emergencies that may occur, but should designate these employees well in advance of the possible emergencies, to the extent practicable. Emergency employees are expected to report to the agency-designated worksite unless the agency determines that it is unsafe to do so, in which case the agency may allow the employee to telework or work at another location. An agency may also determine that the circumstances justify granting weather and safety leave to emergency employees.

§ 630.1606—Administration of leave

Section 630.1606(a) provides that the minimum charge increment for weather and safety leave is the same as the agency uses for annual and sick leave.

Section 630.1606(b) states that weather and safety leave may be granted only for hours within an employee's tour of duty established for the purposes of charging annual and sick leave, which for full-time employees is either the 40-hour basic workweek, the basic work requirement for employees on a flexible or compressed work schedule, or an uncommon tour of duty under § 630.210.

Section 630.1606(c) states that agencies may not grant weather and safety leave for hours during which employees are on other preapproved leave (paid or unpaid) or paid time off. It also provides that an agency should not approve an employee's request to cancel preapproved leave or paid time off if the agency determines that the request is primarily for the purpose of obtaining weather and safety leave.

§ 630.1607—Records and reporting

This section provides the recordkeeping and reporting requirements regarding weather and safety leave. Agencies are required to keep accurate records on the number of weather and safety leave hours granted to employees and to report this data to OPM in the manner directed.

Executive Order 13563 and Executive Order 12866

The Office of Management and Budget has reviewed this rule in accordance with E.O. 13563 and 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because it will apply only to Federal agencies and employees.

List of Subjects in 5 CFR Part 630

Government employees.

Office of Personnel Management.

Kathleen M. McGettigan,
Acting Director.

For the reasons stated in the preamble, OPM proposes to amend part 630 of title 5 of the Code of Federal Regulations as follows:

PART 630—ABSENCE AND LEAVE

1. The authority citation for 5 CFR part 630 is revised to read as follows:

Authority: Subparts A through E issued under 5 U.S.C. 6133(a) (read with 5 U.S.C. 6129), 6303(e) and (f), 6304(d)(2), 6306(b), 6308(a) and 6311; subpart F issued under 5 U.S.C. 6305(a) and 6311 and E.O. 11228, 30 FR 7739, 3 CFR, 1974 Comp., p. 163; subpart G issued under 5 U.S.C. 6305(c) and 6311; subpart H issued under 5 U.S.C. 6133(a) (read with 5 U.S.C. 6129) and 6326(b); subpart I issued under 5 U.S.C. 6332, 6334(c), 6336(a)(1) and (d), and 6340; subpart J issued under 5 U.S.C. 6340, 6363, 6365(d), 6367(e), 6373(a); subpart K issued under

5 U.S.C. 6391(g); subpart L issued under 5 U.S.C. 6383(f) and 6387; subpart M issued under Sec. 2(d), Pub. L. 114–75, 129 Stat. 641 (5 U.S.C. 6329 note); subpart N issued under 5 U.S.C. 6329a(c); subpart O issued under 5 U.S.C. 6329b(h); and subpart P issued under 5 U.S.C. 6329c(d).

Subpart B—Definitions and General Provisions for Annual and Sick Leave

2. In § 630.206, remove the second sentence in paragraph (a).
3. A new subpart N is added to read as follows:

Subpart N—Administrative Leave

Sec.

- 630.1401 Purpose and applicability.
- 630.1402 Definitions.
- 630.1403 Principles and prohibitions.
- 630.1404 Calendar year limitation.
- 630.1405 Administration of administrative leave.
- 630.1406 Records and reporting.
- 630.1407 Separation or transfer.

Subpart N—Administrative Leave

§ 630.1401 Purpose and applicability.

(a) This subpart implements 5 U.S.C. 6329a, which allows an agency to provide a separate type of paid leave, on a limited basis, for general purposes not covered by other types of leave authorized by other provisions of law. Section 6329a(c) authorizes OPM to prescribe regulations to carry out the statutory provisions on administrative leave, including regulations on the appropriate uses and the proper recording of this leave.

(b) This subpart applies to an employee as defined in 5 U.S.C. 2105 who is employed in an agency, but does not apply to an intermittent employee who, by definition, does not have an established regular tour of duty during the administrative workweek.

(c) As provided in 5 U.S.C. 6329a(d), this subpart applies to employees described in subsection (b) of 38 U.S.C. 7421, notwithstanding subsection (a) of that section.

§ 630.1402 Definitions.

In this subpart:

Administrative leave means paid leave authorized at the discretion of an agency under 5 U.S.C. 6329a (and not authorized under any other provision of statute or Presidential directive) to cover periods within an employee's tour of duty when the employee is not engaged in activities that qualify as official hours of work, which is provided without loss of or reduction in—

- (1) Pay,
- (2) Leave to which an employee is otherwise entitled under law, or
- (3) Credit for time or service.

Agency means an Executive agency as defined in 5 U.S.C. 105, excluding the Government Accountability Office. When the term "agency" is used in the context of an agency making determinations or taking actions, it means the agency head or management officials who are authorized (including by delegation) to make the given determination or take the given action.

Employee means an individual who is covered by this subpart, as described in § 630.1401(b) and (c).

Head of the agency means the head of an agency or a designated representative of such agency head who is an agency headquarters-level official reporting directly to the agency head or a deputy agency head and who is the sole such representative for the entire agency.

OPM means the Office of Personnel Management.

Presidential directive means an Executive order, Presidential memorandum, or official written statement by the President in which the President specifically directs agency heads to provide employees with a paid excused absence under a specified set of conditions. This excludes a Presidential action that merely encourages agency heads to use an agency head authority (e.g., section 6329a) to grant a paid excused absence under specified conditions or that leaves the amount of excused absence to be granted in specified conditions subject to agency head discretion.

§ 630.1403 Principles and prohibitions.

(a) General principles. In granting administrative leave, an agency must adhere to the following general principles:

(1) Administrative leave may be granted (subject to the requirements of paragraph (a)(5) of this section) only when—

- (i) The absence is directly related to and supports the agency's mission;
- (ii) The absence is officially sponsored or sanctioned by the agency; or
- (iii) The absence is in the interest of the agency or of the Government as a whole.

(2) Administrative leave is not an entitlement, but is an agency discretionary authority that should be used sparingly, consistent with the sense of Congress expressed in section 1138(b)(2) of Public Law 114-328.

(3) Administrative leave is appropriately used for brief or short periods of time—usually for not more than 1 workday. An incidence of administrative leave lasting more than 1 workday may be approved when determined to be appropriate by an agency. For example, a longer period would be appropriate when the employee is subject to an investigation and his or her retention in duty status is inconsistent with the best interests of the Government, and investigative leave

under subpart O of this part is not available because the 10-workday period described in 5 U.S.C. 6329a(b)(1) has not yet expired. (See 5 U.S.C. 6329b(b)(3)(A).)

(4) Administrative leave may not be established (via agency policy or negotiation) as an ongoing or recurring entitlement based on meeting a set of conditions.

(5) A determination that an absence satisfies one of the conditions in paragraph (a)(1) of this section must be—

(i) Permitted under policies established by the head of the agency; and

(ii) Reviewed and approved by an official of the agency who is at a higher level than the official making the determination—unless there is no higher-level official in the agency.

(b) *Specific prohibited uses.* An agency may not grant administrative leave—

(1) On a prospective basis as part of a settlement agreement;

(2) To mark the death of a Federal official, consistent with 5 U.S.C. 6105;

(3) To participate in an event for the employee's personal benefit or the benefit of an outside organization unless the participation would satisfy one or more of the conditions in paragraph (a)(1) of this section;

(4) As a reward to recognize the performance or contributions of an employee or group of employees (i.e., in lieu of a cash award or a time-off award); or

(5) To engage in volunteer work or other civic activity that is not officially sponsored or sanctioned by the head of the agency, based on the agency's mission or Governmentwide interests.

§ 630.1404 Calendar year limitation.

(a) *General.* Under 5 U.S.C. 6329a(b), during any calendar year, an agency may place an employee on administrative leave for no more than 10 workdays. In applying this calendar year

limitation, administrative leave used in different agencies must be aggregated. The limitation is not separately applied to each agency that employed the employee during the calendar year. (See also § 630.1407.)

(b) Conversion to a limitation on hours. This 10-workday calendar year limitation is converted to an aggregate limit on hours, taking into account the different workdays that can apply to employees under different work schedules, as follows:

(1) For a full-time employee (including an employee on a regular 40-hour basic workweek or a flexible or compressed work schedule under 5 U.S.C. chapter 61, subchapter II, but excluding an employee on an uncommon tour of duty), the calendar year limitation is 80 hours;

(2) For a full-time employee with an uncommon tour of duty under § 630.210, the calendar year limitation is equal to the number of hours in the biweekly uncommon tour of duty (or the average biweekly hours for uncommon tours for which the biweekly hours vary over an established cycle);

(3) For a part-time employee, the calendar year limit is prorated based on the number of hours in the officially scheduled part-time tour of duty established for purposes of charging leave when absent (e.g., for a part-time employee who has an officially scheduled half-time tour of 40 hours in a biweekly pay period, the calendar year limitation is 40 hours, which is half of the 80-hour limitation for full-time employees).

(c) Applicable hours. The calendar year limitation described in this section applies only to administrative leave authorized under this subpart.

(d) Use for investigations. If an employee is under an investigation that would result in placement on investigative leave under subpart O of this part but for the fact that the employee

has not yet reached the calendar year limitation in this section, the agency must first use administrative leave for purposes of the investigation until the employee's calendar year limitation is reached, consistent with 5 U.S.C. 6329b(b)(3) and § 630.1504(a)(1).

(e) *After limit is reached.* When an employee reaches the calendar year limitation, an agency may not grant additional administrative leave during the remainder of that calendar year. If a situation arises where the employee might have been granted administrative leave under the agency's policies but for the limitation, the employee must instead continue to work or use other appropriate paid leave or time off or leave without pay. If an employee is not able to work and is not willing or able to use another type of paid leave or time off, an agency must place the employee in leave without pay status in order to comply with the calendar year limitation.

§ 630.1405 Administration of administrative leave.

(a) An agency must use the same minimum charge increments for administrative leave as it does for annual and sick leave under § 630.206.

(b) Employees may be granted administrative leave only for hours within the tour of duty established for purposes of charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour basic workweek as defined in 5 CFR 610.102, the basic work requirement established for employees on a flexible or compressed work schedule as defined in 5 U.S.C. 6121(3), or an uncommon tour of duty under § 630.210.

(c) Agencies authorize, and may require, the use of administrative leave by an employee or a category of employees. Employees do not have an entitlement to use administrative leave or to exhaust the permissible 10 workdays per calendar year prescribed under § 630.1404, nor do they have a right to refuse administrative leave when the agency requires its use.

§ 630.1406 Records and reporting.

(a) *Record of placement on leave.* An agency must maintain an accurate record of the placement of an employee on administrative leave in two categories:

(1) Administrative leave used for the purposes of an investigation (as described in § 630.1404(d)); and

(2) Administrative leave used for all other purposes.

(b) *Reporting.* (1) In agency data systems (including timekeeping systems) and in data reports submitted to OPM, an agency must record administrative leave under § 6329a and this subpart as categories of leave separate from other types of leave. Leave under § 6329a and this subpart must be recorded as either administrative leave used for the purposes of an investigation or administrative leave used for all other purposes, as applicable.

(2) Agencies must provide information to the Government Accountability Office as that office requires in order to submit reports to specified Congressional committees required under section 1138(d)(2) of Public Law 114-328, which reports must be submitted not later than 5 years after December 23, 2016, and every 5 years thereafter.

§ 630.1407 Separation or transfer.

When an employee transfers to another agency or separates from Federal service, the losing agency must certify, in a manner prescribed by OPM, the number of administrative leave hours used by an employee during the current calendar year under the two categories described in § 630.1406(a). Any agency that employs the employee in that calendar year must apply the hours reported by a losing agency against the employee's current calendar year limitation under § 630.1404.

4. A new subpart O is added to read as follows:

Subpart O—Investigative Leave and Notice Leave

Sec.

630.1501 Purpose and applicability.

630.1502 Definitions.

630.1503 Authority and requirements for investigative leave and notice leave.

630.1504 Administration of investigative leave.

630.1505 Administration of notice leave.

630.1506 Records and reporting.

Subpart O—Investigative Leave and Notice Leave

§ 630.1501 Purpose and applicability.

(a) This subpart implements 5 U.S.C. 6329b, which allows an agency to provide separate types of paid leave for employees who are the subject of an investigation or in a notice period.

OPM has authority to prescribe implementing regulations under 5 U.S.C. 6329b(h)(1).

(b) This subpart applies to an employee as defined in 5 U.S.C. 2105 who is employed in an agency, excluding—

(1) An Inspector General; or

(2) An intermittent employee who, by definition, does not have an established regular tour of duty during the administrative workweek.

(c) As provided in 5 U.S.C. 6329b(i), this subpart applies to employees described in subsection (b) of 38 U.S.C. 7421, notwithstanding subsection (a) of that section.

§ 630.1502 Definitions.

In this subpart:

Agency means an Executive agency as defined in 5 U.S.C.105, excluding the Government Accountability Office. When the term “agency” is used in the context of an agency making determinations or taking actions, it means the agency head or management officials who are authorized (including by delegation) to make the given determination or take the given action.

Chief Human Capital Officer or CHCO means the Chief Human Capital Officer of an agency designated or appointed under 5 U.S.C 1401, or the equivalent.

Committee of jurisdiction means, with respect to an agency, each committee of the Senate or House of Representatives with jurisdiction over the agency.

Employee means an individual who is covered by this subpart, as described in § 630.1501(b) and (c).

Investigation means inquiry regarding an employee involving such matters as—

(1) An employee's alleged misconduct that could result in an adverse action as described in 5 CFR part 752 or similar authority;

(2) Security concerns, including whether the employee should retain eligibility for logical access to agency facilities and systems under the standards established by Homeland Security Presidential Directive (HSPD) 12 and guidance issued pursuant to that directive; or

(3) Other matters that could lead to disciplinary action.

Investigative entity means –

(1) An internal investigative unit of an agency granting investigative leave under this subpart, which may be composed of one or more persons, such as supervisors, managers, human resources practitioners, workplace violence prevention team members, or other agency representatives;

(2) The Office of Inspector General of an agency granting investigative leave under this subpart;

(3) The Attorney General; or

(4) The Office of Special Counsel.

Investigative leave means leave in which an employee who is the subject of an investigation is placed, as authorized under 5 U.S.C. 6329b (and not authorized under any other provision of law), which is provided without loss of or reduction in—

- (1) Pay;
- (2) Leave to which an employee is otherwise entitled under law; or
- (3) Credit for time or service.

Notice leave means leave in which an employee who is in a notice period is placed, as authorized under 5 U.S.C. 6329b (and not authorized under any other provision of law), which is provided without loss of or reduction in—

- (1) Pay;
- (2) Leave to which an employee is otherwise entitled under law; or
- (3) Credit for time or service.

Notice period means a period beginning on the date on which an employee is provided notice, as required under law, of a proposed adverse action against the employee and ending—

- (1) On the effective date of the adverse action; or
- (2) On the date on which the agency notifies the employee that no adverse action will be taken.

OPM means the Office of Personnel Management.

Participating in a telework program means an employee is eligible to telework and has an established arrangement with his or her agency under which the employee is approved to participate in the agency telework program, including on a routine or situational basis. Such an employee who teleworks on a situational basis is considered to be continuously participating in a

telework program even if there are extended periods during which the employee does not perform telework.

Telework site means a location where an employee is authorized to perform telework, as described in 5 U.S.C. chapter 65, such as an employee's home.

§ 630.1503 Authority and requirements for investigative leave and notice leave.

(a) Authority. An agency may, in accordance with paragraph (b) of this section, place an employee on—

(1) Investigative leave, if the employee is the subject of an investigation; or

(2) Notice leave—

(i) If the employee is in a notice period; or

(ii) Following a placement on investigative leave if, not later than the day after the last day of the period of investigative leave—

(A) The agency proposes or initiates an adverse action against the employee; and

(B) The agency determines that the employee continues to meet one or more of the criteria described in paragraph (b)(1) of this section.

(b) Required determinations. An agency may place an employee on investigative leave or notice leave only if the agency has—

(1) Determined, after consideration of the baseline factors specified in paragraph (c) of this section, that the continued presence of the employee in the workplace during an investigation of the employee or while the employee is in a notice period, as applicable, may—

(i) Pose a threat to the employee or others;

(ii) Result in the destruction of evidence relevant to an investigation;

(iii) Result in loss of or damage to Government property; or

(iv) Otherwise jeopardize legitimate Government interests; and

(2) Considered the following options (or a combination thereof):

(i) Keeping the employee in a duty status by assigning the employee to duties in which the employee no longer poses a threat, as described in paragraphs (b)(1)(i) through (iv) of this section;

(ii) Allowing the employee to take leave (paid or unpaid) or paid time off, as appropriate under the rules governing each category of leave or paid time off;

(iii) Carrying the employee in absent without leave status, if the employee is absent from duty without approval; and

(iv) For an employee subject to a notice period, curtailing the notice period if there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed, consistent with 5 CFR 752.404(d)(1); and

(3) Determined that none of the options under paragraph (b)(2) of this section is appropriate.

(c) Telework alternative for investigative leave. (1) Consistent with 5 U.S.C. 6502(c), if an agency would otherwise place an employee on investigative leave, the agency may require the employee to perform, at a telework site, duties similar to the duties that the employee normally performs if—

(i) The agency determines that such a requirement would not pose a threat, as described in paragraphs (b)(1)(i) through (iv) of this section;

(ii) The employee is eligible to telework under the eligibility conditions set forth in 5 U.S.C. 6502(a) and (b)(4);

(iii) The employee has been participating in a telework program under the agency telework policy during some portion of the 30-day period immediately preceding the commencement of investigative leave (or the commencement of required telework in lieu of such leave under this paragraph (c), if earlier); and

(iv) The agency determines that teleworking would be appropriate.

(2) For purposes of paragraph (c)(1) of this section, an employee is considered to be eligible to telework if the agency determines the employee is eligible to telework under agency telework policies described in 5 U.S.C. 6502(a) and is not barred from teleworking under the eligibility conditions described in 5 U.S.C. 6502(b)(4). Any telework agreement established under 5 U.S.C. 6502(b)(2) must be superseded as necessary in order to comply with an agency's action to require telework under 5 U.S.C. 6502(c) and paragraph (c)(1) of this section.

(3) If an employee who is required to telework under paragraph (c)(1) of this section is absent from telework duty without approval, an agency may place the employee in absent without leave status, consistent with agency policies.

(d) *Reassessment and return to duty.* (1) An employee may be returned to duty at any time if the agency reassesses its determination to place the employee on investigative leave or notice leave. An employee on investigative leave or notice leave must be prepared to report to work at any time during his or her regularly scheduled tour of duty or, if the employee anticipates a possible inability to report promptly, must obtain approval of leave in advance of the date or dates that the employee would not be available to report.

(2) For an employee on investigative leave, an agency may reassess its determination that the employee must be removed from the workplace based on the criteria in paragraph (b)(1) of this section and may reassess its determination that the options in paragraph (b)(2) of this section

are not appropriate. An agency may reassess its previous determination to require or not require telework under paragraph (c) of this section.

(3) For an employee on notice leave, an agency may reassess its determination that the employee must be removed from the regular worksite based on the criteria in paragraph (b)(1) of this section and may reassess its determination that the options in paragraph (b)(2) of this section are not appropriate.

(4) When an employee is placed on investigative leave or notice leave, the employee must be available to report promptly to an approved duty location if directed by his or her supervisor. Any failure to so report may result in the employee being recorded as absent without leave, which can be the basis for disciplinary action. An employee who anticipates that he or she may be unavailable to report promptly must request scheduled leave or paid time off in advance, as provided under paragraph (b)(2)(ii) of this section, to avoid being recorded as absent without leave.

(e) Baseline factors. In making a determination regarding the criteria listed under paragraph (b)(1) of this section, an agency must consider the following baseline factors:

- (1) The nature and severity of the employee's exhibited or alleged behavior;
- (2) The nature of the agency's or employee's work and the ability of the agency to accomplish its mission; and
- (3) Other impacts of the employee's continued presence in the workplace detrimental to legitimate Government interests, including whether the employee will pose an unacceptable risk to—
 - (i) the life, safety, or health of employees, contractors, vendors or visitors to a Federal facility;

- (ii) the Government's physical assets or information systems;
- (iii) personal property;
- (iv) records, including classified, privileged, proprietary, financial or medical records; or
- (v) the privacy of the individuals whose data the Government holds in its systems.

(f) Minimum charge. An agency must use the same minimum charge increments for investigative and notice leave as it does for annual and sick leave under § 630.206.

(g) Employees may be granted investigative leave or notice leave only for hours within the tour of duty established for purposes of charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour basic workweek as defined in 5 CFR 610.102, the basic work requirement established for employees on a flexible or compressed work schedule as defined in 5 U.S.C. 6121(3), or an uncommon tour of duty under § 630.210.

§ 630.1504 Administration of investigative leave.

(a) Commencement. Investigative leave may not be commenced until—

(1) The employee's use of administrative leave under subpart N of this part has reached the 10-workday calendar year limitation described in 5 U.S.C. 6329a(b)(1) and § 630.1404, as converted to hours under § 630.1404(b); and

(2) The agency determines that further investigation of the employee is necessary.

(b) Duration. The agency may place the employee on investigative leave for an initial period of not more than 30 workdays per investigation. An employee may be placed on investigative leave intermittently—that is, a period of investigative leave may be interrupted by—

(1) on-duty service performed under paragraph (b)(2)(i) or (c) of § 630.1503;

(2) leave or paid time off in lieu of such service under paragraph (b)(2)(ii) of § 630.1503;

or

(3) absence without leave under paragraph (b)(2)(iii) of § 630.1503.

(c) Written explanation of leave. If an agency places an employee on investigative leave, the agency must provide the employee a written explanation regarding the placement of the employee on investigative leave. The written explanation must—

(1) Describe the limitations of the leave placement, including the duration of leave;

(2) Include notice that, at the conclusion of the period of investigative leave, the agency must take an action under paragraph (d) of this section;

(3) Include notice that placement on investigative leave for 70 workdays or more is considered a “personnel action” for purposes of the Office of Special Counsel’s authority to act, in applying the prohibited personnel practices provisions at 5 U.S.C. 2302(b)(8)-(9) (see paragraph (i) of this section).

(d) Agency action. Not later than the day after the last day of an initial or extended period of investigative leave, an agency must—

(1) Return the employee to regular duty status;

(2) Take one or more of the actions under § 630.1503(b)(2);

(3) Propose or initiate an adverse action against the employee as provided under law; or

(4) Extend the period of investigative leave if permitted under paragraphs (f) and (g) of this section.

(e) Continued investigation. Investigation of an employee may continue after the expiration of the initial 30 workday period of investigative leave. Investigation of an employee

may continue even if the employee is returned to regular duty status and is no longer on investigative leave.

(f) Extension of investigative leave. (1) Increments. An agency may extend the period of investigative leave using increments of up to 30 workdays for each extension when approved as described in paragraph (f)(3) of this section. The amount of investigative leave used under the final extension may be less than 30 workdays, as appropriate.

(2) Maximum number of extensions. Except as provided in paragraph (g) of this section, the total period of extended investigative leave (i.e., in addition to the initial 30-workday period of investigative leave) may not exceed 90 workdays (i.e., 3 incremental extensions of 30 workdays). This 90-day limit applies to extensions of investigative leave associated with a single initial period of investigative leave.

(3) Approval of extensions. (i) An incremental extension under paragraph (f)(1) of this section is permitted only if the agency makes a written determination reaffirming that the employee must be removed from the workplace based on the criteria in § 630.1503(b)(1) and that the options in § 630.1503(b)(2) are not appropriate.

(ii) Except as provided by paragraph (f)(3)(iii) of this section, an incremental extension under paragraph (f)(1) of this section is permitted only if approved by the CHCO of an agency, or the designee of the CHCO, after consulting with the investigator responsible for conducting the investigation of the employee.

(iii) In the case of an employee of an Office of Inspector General, an incremental extension under paragraph (f)(1) of this section is permitted only if approved (after consulting with the investigator responsible for conducting the investigation of the employee) by—

(A) The Inspector General or the designee of the Inspector General, rather than the CHCO or the designee of the CHCO; or

(B) An official of the agency designated by the head of the agency within which the Office of Inspector General is located, if the Inspector General requests the agency head make such a designation.

(4) Designation guidance. In delegating authority to a designated official to approve an incremental extension as described in paragraph (f)(3) of this section, a CHCO must pay heed to the designation guidance issued by the CHCO Council under 5 U.S.C. 6329b(c)(3), except that, in the case of approvals for an employee of an Office of Inspector General, an Inspector General must pay heed to the designation guidance issued by the Council of the Inspectors General on Integrity and Efficiency under 5 U.S.C. 6329b(c)(4)(B).

(g) Further extension of investigative leave. An official authorized under paragraph (f)(3) of this section to approve an incremental extension under paragraph (f)(1) of this section may approve further incremental extensions of 30 workdays (i.e., each extension is individually approved for up to 30 workdays) under this paragraph after an employee has reached the maximum number of extensions of investigative leave under paragraph (f)(2) of this section. An agency may further extend a period of investigative leave only if the agency makes a written determination reaffirming that the employee must be removed from the workplace based on the criteria in § 630.1503(b)(1) and that the options in § 630.1503(b)(2) are not appropriate. Not later than 5 business days after granting each further extension, the agency must submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, along with any other committees of jurisdiction, a report containing—

(1) The title, position, office or agency subcomponent, job series, pay grade, and salary of the employee;

(2) A description of the duties of the employee;

(3) The reason the employee was placed on investigative leave;

(4) An explanation as to why the employee meets the criteria described in § 630.1503(b)(1)(i) through (iv) and why the agency is not able to temporarily reassign the duties of the employee or detail the employee to another position within the agency;

(5) In the case of an employee required to telework under 5 U.S.C. 6502(c) during a period of investigation, the reasons that the agency required the employee to telework under that section and the duration of the teleworking requirement;

(6) The status of the investigation of the employee;

(7) A certification to the agency by an investigative entity stating that additional time is needed to complete the investigation of the employee and providing an estimate of the amount of time that is necessary to complete the investigation of the employee; and

(8) In the case of a completed investigation of the employee, the results of the investigation and the reason that the employee remains on investigative leave.

(h) Completed investigation. An agency may not further extend a period of investigative leave on or after the date that is 30 calendar days after the completion of the investigation of the employee by an investigative entity.

(i) Possible prohibited personnel action. For purposes of 5 U.S.C. chapter 12, subchapter II, and section 1221, placement on investigative leave under this subpart for a period of 70 workdays or more shall be considered a personnel action for purposes of the Office of Special Counsel in applying the prohibited personnel practices provisions at 5 U.S.C. 2302(b)(8) or (9).

(j) *Conversion of workdays to hours.* In applying this section, the limitations based on workdays (i.e., the 30-workday increments in paragraphs (b), (f), and (g) of this section and the 70-workday limit in paragraph (h) of this section) must be converted to hours, taking into account the different workdays that can apply to employees under different work schedules, as follows:

(1) For a full-time employee (including an employee on a regular 40-hour basic workweek or a flexible or compressed work schedule under 5 U.S.C. chapter 61, subchapter II, but excluding an employee on an uncommon tour of duty), the 30-workday increment is converted to 240 hours and the 70-workday limit is converted to 560 hours;

(2) For a full-time employee with an uncommon tour of duty under § 630.210, the 30-workday increment is converted to three times the number of hours in the biweekly uncommon tour of duty (or the average biweekly hours for uncommon tours for which the biweekly hours vary over an established cycle), and the 70-workday limit is converted to a number of hours derived by multiplying the hours equivalent of 30 workdays (for a given uncommon tour) times the ratio of 70 divided by 30;

(3) For a part-time employee, the calendar year limit is prorated based on the number of hours in the officially scheduled part-time tour of duty established for purposes of charging leave when absent (e.g., for a part-time employee who has an officially scheduled half-time tour of 40 hours in a biweekly pay period, the 30-workday increment is converted to 120 hours, which is half of 240 hours (the 30-workday increment for full-time employees)).

§ 630.1505 Administration of notice leave.

(a) *Commencement.* Notice leave may commence only after an employee has received written notice of a proposed adverse action. There is no requirement that the employee exhaust

10 workdays of administrative leave under 5 U.S.C. 6329a(b) and § 630.1404 before the employee may be placed on notice leave.

(b) Duration. Placement of an employee on notice leave shall be for a period not longer than the duration of the notice period.

(c) Written explanation of leave. If an agency places an employee on notice leave, the agency must provide the employee a written explanation regarding the placement of the employee on notice leave. The written explanation must provide information on the employee's notice period and include a statement that the notice leave will be provided only during the notice period.

§ 630.1506 Records and reporting.

(a) Record of placement on leave. An agency must maintain an accurate record of the placement of an employee on investigative leave or notice leave by the agency, including—

(1) The reasons for initial authorization of the investigative leave or notice leave, including the alleged action(s) of the employee that required investigation or issuance of a notice of a proposed adverse action;

(2) The basis for the determination made under § 630.1503(b)(1);

(3) An explanation of why an action under § 630.1503(b)(2) was not appropriate;

(4) The length of the period of investigative leave or notice leave;

(5) The amount of salary paid to the employee during the period of leave;

(6) The reasons for authorizing the leave, and if an extension of investigative leave was granted, the recommendation made by an investigator as part of the consultation required under § 630.1504(f)(3);

(7) Whether the employee was required to telework under § 630.1503(c) during the period of the investigation, including the reasons for requiring or not requiring the employee to telework;

(8) The action taken by the agency at the end of the period of leave, including, if applicable, the granting of any extension of a period of investigative leave under § 630.1504(f) or (g); and

(9) Any additional information OPM may require.

(b) Availability of records. (1) An agency must make a record kept under paragraph (a) of this section available upon request—

(i) To any committee of jurisdiction;

(ii) To OPM;

(iii) To the Government Accountability Office; and

(iv) As otherwise required by law.

(2) Notwithstanding paragraph (b)(1) of this section, the requirement that an agency make records on use of investigative leave or notice leave available to various entities is subject to applicable laws, Executive orders, and regulations governing the dissemination of sensitive information related to national security, foreign relations, or law enforcement matters (e.g., 50 U.S.C. 3024(i), (j), and (m) and Executive Orders 12968 and 13526).

(c) Reporting. (1) In agency data systems and in data reports submitted to OPM, an agency must record investigative leave and notice leave under § 6329b and this subpart as categories of leave separate from other types of leave. Leave under § 6329b and this subpart must be recorded as either investigative leave or notice leave, as applicable.

(2) Agencies must provide information to the Government Accountability Office as that office requires in order to submit reports to specified Congressional committees required under section 1138(d)(2) of Public Law 114-328, which reports must be submitted not later than 5 years after December 23, 2016, and every 5 years thereafter.

5. A new subpart P is added to read as follows:

Subpart P—Weather and Safety Leave

Sec.

630.1601 Purpose and applicability.

630.1602 Definitions.

630.1603 Authorization.

630.1604 OPM and agency responsibilities.

630.1605 Telework and emergency employees.

630.1606 Administration of weather and safety leave.

630.1607 Records and reporting.

Subpart P—Weather and Safety Leave

§ 630.1601 Purpose and applicability.

(a) This subpart implements 5 U.S.C. 6329c, which allows an agency to provide a separate type of paid leave when weather and safety conditions prevent employees from safely traveling to or performing work at an approved location due to an act of God, terrorist attack, or other applicable condition. Section 6329c(d) provides OPM with authority to prescribe regulations to carry out the statutory provisions on weather and safety leave, including regulations on the appropriate uses and the proper recording of this leave.

(b) This subpart applies to an employee as defined in 5 U.S.C. 2105 who is employed in an agency, but does not apply to an intermittent employee who, by definition, does not have an established regular tour of duty during the administrative workweek.

(c) As provided in 5 U.S.C. 6329c(e), this subpart applies to employees described in subsection (b) of 38 U.S.C. 7421, notwithstanding subsection (a) of that section.

§ 630.1602 Definitions.

In this subpart:

Act of God means an act of nature, including hurricanes, tornadoes, floods, wildfires, earthquakes, landslides, snowstorms, and avalanches.

Agency means an Executive agency as defined in 5 U.S.C. 105, excluding the Government Accountability Office. When the term “agency” is used in the context of an agency making determinations or taking actions, it means the agency heads or management officials who are authorized (including by delegation) to make the given determination or take the given action.

Employee means an individual who is covered by this subpart, as described in § 630.1601(b) and (c).

OPM means the Office of Personnel Management.

Participating in a telework program means an employee is eligible to telework and has an established arrangement with his or her agency under which the employee is approved to participate in the agency telework program, including on a routine or situational basis. Such an employee who teleworks on a situational basis is considered to be continuously participating in a telework program even if there are extended periods during which the employee does not perform telework.

Telework site means a location where an employee is authorized to perform telework, as described in 5 U.S.C. chapter 65, such as an employee’s home.

Weather and safety leave means paid leave provided under the authority of 5 U.S.C. 6329c.

§ 630.1603 Authorization.

Subject to other provisions of this subpart, an agency may grant weather and safety leave to employees if they are prevented from safely traveling to or performing work at a location approved by the agency due to—

- (a) An act of God;
- (b) A terrorist attack; or
- (c) Another condition that prevents an employee or group of employees from safely traveling to or performing work at an approved location.

§ 630.1604 OPM and agency responsibilities.

(a) OPM is responsible for prescribing regulations and guidance related to the appropriate use of leave under this subpart and the proper recording of such leave, including OPM guidance on Governmentwide dismissal and closure policies and procedures that provides for use of consistent terminology in describing various operating status scenarios. In issuing any operating status announcements for the Washington, DC, area, OPM must ensure that the specific policies and procedures related to those announcements are consistent with the regulations in this subpart and with OPM's Governmentwide guidance.

(b) Employing agencies are responsible for—

(1) Establishing and applying policies and procedures related to use of leave under this subpart that are consistent with OPM regulations and guidance described in paragraph (a) of this section; and

(2) Ensuring that any operating status announcements issued by an agency (for a specific geographic location or area) use terminology required by OPM-issued Governmentwide guidance.

§ 630.1605 Telework and emergency employees.

(a) Telework employees. (1) Except as provided under paragraph (a)(2) of this section, employees who are participating in a telework program and who are not prevented from safely traveling to or working at an approved telework site may not be granted leave under § 630.1603. Employees who are eligible to telework and participating in a telework program under applicable agency policies are typically not prevented from performing work at their approved telework site (e.g., home), since they are not required to work at their regular worksite.

(2)(i) If, in the agency's judgment, the conditions in § 630.1603 could not reasonably be anticipated, an agency may approve leave under this subpart to the extent an employee was not able to prepare for telework as described in paragraph (a)(3) of this section and is otherwise unable to perform productive work at the telework site.

(ii) If an employee is prevented from safely working at the approved telework site due to circumstances, arising from one or more of the conditions in § 630.1603, applicable to the telework site, an agency may, at its discretion, provide leave under this subpart to the employee.

(iii) Notwithstanding paragraphs (a)(2)(i) and (ii) of this section, an agency may decide not to approve leave under this subpart when the conditions in § 630.1603(a) do not prevent the employee from safely traveling to or performing work at a regular worksite, even if the affected day is a scheduled telework day.

(3) In making a determination under paragraph (a)(2) of this section, an agency must evaluate whether any of the conditions in § 630.1603(a) of this section could be reasonably anticipated and whether the employee took reasonable steps (within the employee's control) to prepare to perform telework at the approved telework site. For example, if a significant snowstorm is predicted, the employee may need to prepare by taking home any equipment (e.g.,

laptop computer) and work needed for teleworking. To the extent that an employee is unable to perform work at a telework site because of failure to make necessary preparations for reasonably anticipated conditions, an agency may not approve weather and safety leave, and the employee would need to use other appropriate paid leave, paid time off, or leave without pay.

(b) Emergency employees. An agency may designate emergency employees who are critical to agency operations and for whom weather and safety leave may not be applicable. To the extent practicable, an agency should designate its emergency employees well in advance in anticipation of the possible occurrence of the conditions set forth in § 630.1603. If the agency wishes to provide for the possibility that an emergency employee could work from an approved telework site in lieu of traveling to the regular worksite in appropriate circumstances, an agency should encourage the employee to enter into a telework agreement providing for that contingency. An agency may designate different emergency employees for the different circumstances expected to arise from these conditions. Emergency employees must report to work at their regular worksite or another approved location as directed by the agency, unless—

(1) The agency determines that travel to or performing work at the worksite is unsafe for emergency employees, in which case the agency may require the employees to work at another location, including a telework site as provided in paragraph (a) of this section, as appropriate; or

(2) The agency determines that circumstances justify granting leave under this subpart to emergency employees.

§ 630.1606 Administration of weather and safety leave.

(a) An agency must use the same minimum charge increments for weather and safety leave as it does for annual and sick leave under § 630.206.

(b) Employees may be granted weather and safety leave only for hours within the tour of duty established for purposes of charging annual and sick leave when absent. For full-time employees, that tour is the 40-hour basic workweek as defined in 5 CFR 610.102, the basic work requirement established for employees on a flexible or compressed work schedule as defined in 5 U.S.C. 6121(3), or an uncommon tour of duty under § 630.210.

(c) Employees may not receive weather and safety leave for hours during which they are on other preapproved leave (paid or unpaid) or paid time off. Agencies should not approve weather and safety leave for an employee who, in the agency's judgment, is cancelling preapproved leave or paid time off, or changing a regular day off in a flexible or compressed work schedule, for the primary purpose of obtaining weather and safety leave.

§ 630.1607 Records and reporting.

(a) *Record of placement on leave.* An agency must maintain an accurate record of the placement of an employee on weather and safety leave.

(b) *Reporting.* In agency data systems (including timekeeping systems) and in data reports submitted to OPM, an agency must record weather and safety leave under § 6329c and this subpart as a category of leave separate from other types of leave.

Billing Code 6325-39-P

To: Amy Holley[Amy_Holley@ios.doi.gov]; Ferriter, Olivia[olivia_ferriter@ios.doi.gov]; Denise Flanagan[denise_flanagan@ios.doi.gov]; Wilson, Hazel[hazel_wilson@ios.doi.gov]; Lillie, Juliette[juliette_lillie@ios.doi.gov]
From: Rae, Kerry
Sent: 2017-09-05T10:16:09-04:00
Importance: Normal
Subject: USGS Congressional Notification for Realignment
Received: 2017-09-05T10:16:44-04:00
[20170901_Draft Appropriations Committee letter kr.docx](#)

Hi all,

I'm seeking some process advice. The USGS has received Dept (up through the Deputy Secretary) approval to move forward with a realignment. The draft Congressional notification letter lays it out. And based on an initial discussion with Hazel, I'm anticipating the following process, but want to be sure this is accurate.

Package this draft letter, along with a note to reviewers and redlines of the revised affected DM Chapters.

Send this package through the relevant PMB offices (POB and HR) for surname. These offices would then share with OMB, and if necessary the ERB/OPM (due to affected SES positions).

When approved, the attached will be ready for the acting AS/PMB to send to Congress.

Does this sound correct? Is there anything above that is too much and can be streamline?

For example, can POB start a review with OMB simply based on the attached draft letter while the rest of the process catches up?

Thanks for your collective advice!
Kerry

(**Note** - any prelim thoughts I can receive prior to a 1:00pm call today would be really helpful!)

Kerry Rae

Chief of Staff for Water & Science
U.S. Department of the Interior
Phone: 202-513-0535
Mobile: 202-494-4101
Email: Kerry_Rae@ios.doi.gov

Dear Representative:

The Department of the Interior proposes to realign U.S. Geological Survey (USGS) and eliminate the seven current regional units. This proposed realignment will provide a more efficient, simple, clear management chain with a direct line of sight from the field to senior leaders, streamline the bureau's decision-making structure, and allow USGS senior management to better support the goals of the Administration and Secretary Zinke.

The USGS has made a number of changes to its organizational structure throughout its history to adapt with the needs of society. In the late 1990's, the USGS adopted a matrix-management approach with the primary goals of better integrating its science across scientific disciplines and improving interactions with its customers. This approach, which includes 7 Regional Directors and 7 Mission Area Associate Directors, separated the management of people (based on physical location) from the management of funding (based on Mission Areas ~~since 2010~~). The USGS has realized some success in achieving these goals. However, the USGS has also experienced significant challenges and complexities with the matrix management approach.

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The proposed realignment will empower USGS science center directors and provide a clear line of sight from their respective field activities through the programs that direct and fund their work, to the senior leaders accountable for implementing the USGS mission. The 65 field-based science centers located across the country represent the key organizational unit for the USGS. Science center directors will have primary responsibility for local, regional, and state-based partnership development and stakeholder engagement and will serve as a conduit from the field to senior management. In addition, Field Executives will be established to streamline the chain of command structure for the Centers. These Field Executives will be assigned to a single mission area and have the ability to align expertise and capacity to issues that require specific USGS capabilities. Distributed on the landscape, the Field Executives will provide oversight to the science centers and serve as members on an Integration Council that will facilitate cross-mission approaches to topical and place-based issues that engage multiple Mission Areas.

This new structure will better connect our science planning with our field-based organizational structure. This is in line with Secretary Zinke's stated goals concerning government reorganization: it improves efficiency and "empowers the front lines." This is one example of how the proposed realignment is complementary to the restructuring of the land management agencies planned by the Department of the Interior (DOI). Many USGS capabilities are national in scope and should be a resource to all DOI regions.

The following items notify you of other changes to the proposed 2018 organizational chart:

- The Mission Area Associate Directors will report to the USGS Director through the USGS Deputy Director.
- USGS will retain a senior executive with oversight for the Alaska Integrated Science Center and primary responsibility for coordinating USGS activities in the region and engaging with DOI executives in Alaska; the title "Regional Director –Alaska" changes to "Associate Director – Alaska".
- A Senior Advisor for Environmental Health will report to the Associate Director – Energy & Minerals and Environmental Health.

- Six of the Regional Director positions (all except Alaska) change to five Field Executive positions reporting to Mission Area Associate Directors.
- Two Field Executives, one for each the East and West, will report to the Associate Director –Water, due to the large number of field based science centers under their purview.

This letter is submitted in accordance with the arrangements and understanding the Department has with the House and Senate Committees on Appropriations with respect to reprogramming actions. As provided under these procedures, we intend to proceed unless we hear from you within 30 days of receipt of this letter. Please contact Tricia Hall, Office of Budget, at (202) 208-2511 if you would like to arrange for a briefing.

Similar letters have been sent to the Honorable Lisa Murkowski, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate; the Honorable Tom Udall, Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate; and the Honorable Ken Calvert, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives.

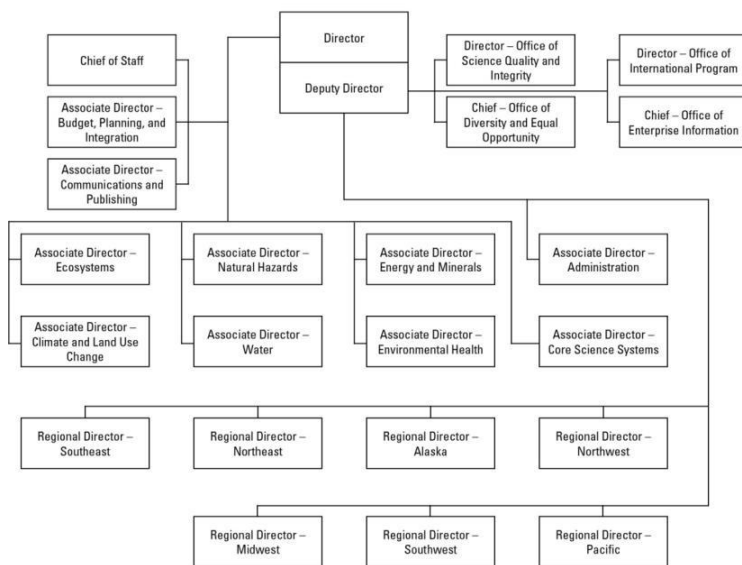
Sincerely,

Scott J. Cameron,
Principal Deputy Assistant Secretary
Policy, Management and Budget

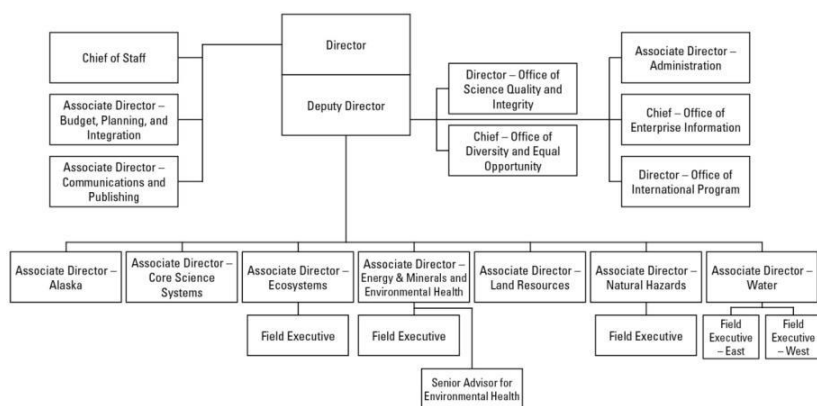
ATTACHMENTS

Current and proposed organization charts provided as attachments.

**Figure 1. Current Organization Structure
U.S. Geological Survey**



**Figure 2. Proposed Organization Structure
U.S. Geological Survey**



To: Micah Chambers[micah_chambers@ios.doi.gov]; Marshall Critchfield[marshall_critchfield@ios.doi.gov]; William Dove[william_dove@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov]; Caroline Boulton[caroline_boulton@ios.doi.gov]
Cc: Todd Willens[todd_willens@ios.doi.gov]; Katharine MacGregor[kate_macgregor@ios.doi.gov]
From: Renner, Elinor
Sent: 2017-09-05T09:26:42-04:00
Importance: Normal
Subject: Weekly Report
Received: 2017-09-05T09:27:29-04:00
[DOI Cabinet 30 Day Report 8-28-17.docx](#)

Good Morning Everyone,
I hope you had a lovely Labor Day weekend. Please send me your weekly report by 3:00 this afternoon. Attached is the report from last week.

Thank you,
Elinor

--

Elinor Renner
U.S. Department of the Interior
Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
August 29, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of August 29, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

1. **MONUMENT REVIEW:** We prepared the report to comply with Executive Order 13792 of April 26, 2017 calling for a review of National Monuments. The Secretary visited 5 states and met with countless stakeholders to conduct the review. The report gives general recommendations. Specific recommendations will be submitted separately as draft proposals for the President's consideration. The Secretary has briefed White House staff on preliminary recommendations and advised the White House Chief of Staff on the Department's rollout plan.
Timing: Ongoing
Contact: Downey Magallanes, Acting Deputy Chief of Staff
2. **NPS SENIOR PASS INCREASE:** The Department announced in July that beginning August 28th, federal agencies would begin selling the new America the Beautiful Senior Pass, which allows lifetime access to certain federal lands. The new price for the Lifetime Senior Pass is \$80, which is an increase from \$10. The annual senior pass is \$20. This increase is mandated by the National Park Service Centennial Act, passed in December of 2016. Existing passes will be grandfathered.
Timing: August 28, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks
3. **NEPA STREAMLINING ORDER:** The Deputy Secretary will sign a Secretarial Order directing the Department to comply with the EO on Establishing Discipline and Account in the Environmental Review and Permitting Process for Infrastructure. It will establish the Department's own NEPA review and put in place parameters to limit page numbers and time limits on reviews.
Timing: August 30, 2017
Contact: Todd Willens, Assistant Deputy Secretary for Fish, Wildlife, and Parks
1. **GREAT SMOKY MOUNTAIN FIRE REPORTS:** The Great Smoky Mountains National Park Chimney Tops 2 Fire Report is tentatively scheduled for public release. The purpose of the review is to assess the facts leading up to and during the Chimney Tops 2 fire within the boundary of the park, as well as make recommendations on any planning, operational, or managerial issues to better handle future issues.
Timing: August 31, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

4. **NATIONAL PARK AND WILDLIFE REFUGES FUNDING INITIATIVE:** August 25th was the 101st birthday of the National Park Service. The Secretary has submitted a funding initiative to OMB to create a maintenance account to address the \$11.5 billion in backlog maintenance. Addressing the backlog is critical to the park experience of over 300 million people every year. Secretary Zinke announced his commitment to the parks recently and has requested POTUS involvement in the weeks after the event to announce a funding/restore our parks initiative.

Timing: Ongoing

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

5. **HURRICANE HARVEY RESPONSE:** The Bureau of Reclamation continues to monitor Choke Canyon Dam and Reservoir (Nueces River Project, TX) and drainage basin; based on current forecast and conditions, the Choke Canyon Dam Emergency Action Plan (EAP) has not been activated. USGS activities for the hurricane response include: Fifteen 2 person crews making discharge measurements at stream gages, a crew is on standby with 10 rapid deployment gages if gages are damaged, water quality samples will be completed as contingent on flows within in areas, USGS Geospatial Response Team will be supporting distribution of CAP and NOAA imagery that will be flown as soon as safe, and USGS is facilitating the International Charter activation, including cataloging of multiple space-based imagery products. DOI has received 5 FEMA Mission Assignments spanning Unmanned Aircraft Systems (UAS) support to search and rescue (SAR) operations, direct SAR operations, real-time flood measurements, 3 liaison positions within the National Response Coordination Center and the initial deployment of 50 law enforcement officers.

Timing: August 2017

Contact: Scott Hommel, Chief of Staff

6. **VENTING AND FLARING RULE:** BLM will publish a proposed rule to suspend or delay requirements from the “Waste Prevention, Production Subject to Royalties and Resources Conservation” (Venting and Flaring) for 18 months until July 17, 2018. BLM is currently reviewing the final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future. The rule was sent to OMB on August 15, 2017.

Timing: Late August 2017 / Early September 2017

Contact: Vincent DeVito, Counselor to the Secretary for Energy Policy

7. **CRITICAL MINERALS REPORT:** USGS will release a new report presenting resource and geologic information for 23 critical mineral commodities important to our national economy and national security, many of which are sourced entirely outside of the United States. This is the first update since the last assessment undertaken in 1973. The Department has proposed to the White House consideration of a draft Executive Order directing Interior to help coordinate the appropriate agencies to undertake a government-wide approach to facilitate the domestic mining and processing of critical minerals. A draft EO is being submitted to the Staff Secretary.

Timing: Early September 2017

Contact: Jim Cason, Associate Deputy Secretary

Reports to Congress and Congressional Testimony

1. **DOI RECEIVED TWO PERTINENT MINORITY OVERSIGHT REQUESTS:** The Department received two politically-driven requests from Minority members. One is from the House, the other from the Senate. The House letter from five Maryland Democrats requests the Secretary to remove the statue of Gen. Lee from Antietam National Battlefield. The Secretary recently visited Antietam to announce NPS Battlefield grants where he made comments specific to the statue. Three Democrat Senators (Carper, Heitkamp, Udall) sent an oversight letter to Secretary Zinke requesting information on the Secretary's decision to reassign SES staffers, how it aligns with Congressional intent and whether or not tribes were consulted.
Timing: August 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
2. **SENIOR FWS OFFICIAL TO TESTIFY BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE:** Gary Frazer (Assistant Director for Ecological Services, U.S. Fish and Wildlife Service) will testify before the Permanent Subcommittee on Investigations regarding implementation of FAST-41. This provision was part of the FAST Act, which passed December 2015. The intent of the legislation is to coordinate the review process for infrastructure projects between all of the involved government agencies. This hearing is intended to highlight the reform and remind the Administration that this review process already exists as we seek to expedite/streamline the environmental review process. This hearing was previously scheduled for July 26, 2017, but was postponed and has now rescheduled.
Timing: September 7, 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
3. **UPCOMING SCIA HEARING:** The Senate Committee on Indian Affairs is set to host a hearing to discuss progress made in implementing recommendations related to Indian Programs as identified in the 2017 GAO High Risk List Report. This is a follow up from the May 2017 hearing on the same subject. The Department will discuss completed and pending recommendations regarding improvements to the Indian Energy Development and the Bureau of Indian Education. Witness(es) for the hearing remain pending.
Timing: September 13, 2017
Contact: Amanda Kaster, Policy Adviser, Congressional Affairs
4. **UPCOMING SENR HEARING:** The Senate Energy and Natural Resources Subcommittee on National Parks will hold a hearing on Encouraging the Next Generation to Visit National Parks. The hearing has been officially noticed, but DOI has not been invited to testify yet. Committee is still debating whether or not to invite a Department witness.
Timing: September 27, 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
5. **HILL NOTIFICATIONS FOR UPCOMING REPROGRAMMING REQUEST:** Pending OMB approval, the Department intends to notify the relevant authorizing and appropriating Committees (Senate Energy and Natural Resources, House Natural Resources, Senate Interior Appropriations Subcommittee, House Interior Appropriations Subcommittee) about the

reorganization and realignment of the Office of the Special Trustee for American Indians (OST). DOI's Program Management and Budget office and OMB are currently coordinating to secure approval. Notification to the Hill will entail formal letters and briefings for Committee staff, which OCL will coordinate.

Timing: September 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

6. **DOI NOMINEES IN PROGRESS:** Brenda Burman (BOR), Susan Combs (A/S PMB) and Doug Domenech (A/S Insular Areas) were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) was officially nominated and is set to appear before the Committee for his nomination hearing on September 7, 2017. Ryan Nelson (Solicitor) was officially nominated Wednesday August, 2nd. His committee paperwork has been submitted and Committee plans to include him in the hearing on the 7th with Mr. Balash.
7. **USFWS REPORT TO CONGRESS:** Fish Wildlife Service will be sending a report to Congress on Federal and State Endangered and Threatened Species Expenditures for Fiscal Year 2015. This is statutorily required, reoccurring report on two years prior. It is still making its way through the approval process.

Timing: TBD

Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other/Awareness Only

2. **DANEROS URANIUM MINE DECISION:** BLM-UT's Monticello Field Office intends to issue a decision approving a modification to the plan of operations for the Daneros Uranium Mine in San Juan County. The proposed modification could increase ore production from 100,000 tons over seven years, to 500,000 tons over 20 years, and could generate up to 40 jobs. The mine is located just outside the current boundary of the Bears Ears National Monument and may be controversial with several conservation groups based on location and groundwater concerns near the processing facility, White Mesa Mill.

Timing: August 28 – End of August

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

3. **COORDINATED LONG-TERM OPERATION OF THE CENTRAL VALLEY PROJECT (CVP) AND THE CALIFORNIA STATE WATER PROJECT (SWP):** Reclamation will announce a Notice of Intent (NOI) and Public Meetings for Reinitiation of Consultation under the ESA of the Coordinated Long-Term Operation of the Central Valley Project and the California State Water Project, based on new information regarding multiple years of drought and low populations of listed species. It is anticipated this joint NEPA and Endangered Species Act process will take three to five years to complete. This will dictate the operations of the CVP and SWP. In mid-September, pending Department approval, Reclamation will announce through a Federal Register publication the NOI and Public Meetings to be held in October.

Timing: Mid-September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

4. **DOI POSTPONES ADVISORY BOARD MEETINGS:** The Department is continuing to review the charter and charge of the more than 200 boards, committees, and advisory panels to ensure they are structured to receive maximum public input and comply with the Federal Advisory Committee Act. The Department spends more than \$10 million to facilitate these boards and many are not meeting their charter obligations, are not meeting regularly, and have little turnover or numerous unfilled positions. Meetings have been postponed until September 2017 following the Department's review unless justified on a case-by-case basis.
Timing: September 1, 2017
Contact: Lori Mashburn, White House Liaison

5. **CNN ANTIETAM NATIONAL BATTLEFILED STORY:** CNN will be at Antietam National Battlefield to film a features story about the battle, the upcoming 150th anniversary of Antietam National Cemetery on September 17, and projects that will be completed using President Trump's first quarter salary with additional funds from the National Park Foundation, Civil War Trust, and Save Historic Antietam Foundation.
Timing: September 17, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

6. **ONSHORE OIL AND GAS PERMITTING ON FEDERAL LAND:** Throughout September, the Bureau of Land Management will hold online oil and gas lease sales.
 - Colorado. On September 7, BLM-CO will hold an online oil and gas lease sale for 10 parcels totaling 1,227 acres in Cheyenne, Baca, Kiowa, Yuma, Morgan, and Weld Counties, CO.
 - New Mexico. On September 7, BLM-NM will hold an online oil and gas lease sale for 62 parcels totaling 15,731 acres in Eddy, Chaves, Quay, Curry, Roosevelt, and Lea Counties, NM.
 - Nevada. On September 12, BLM-NV will hold an online oil and gas lease sale for three parcels totaling 3,680 acres in Nye County, NV.
 - Utah. On September 12, BLM-UT will hold an online oil and gas lease sale for 15 parcels totaling 4,438 acres in Juab County, UT.**Timing:** Throughout September
Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

7. **ROSEBUD MINE ADDITION:** In mid-September, OSMRE anticipates publishing an NOA of a Draft Environmental Impact Statement (DEIS) for Western Energy Company's Rosebud Mine proposed Permit Area F. The proposed permit area, which is located near Colstrip, MT, would add 6,746 acres to the 25,576-acre surface coal mine. The mine currently employs 400 people and produces 12.3 million tons per year.
Timing: Mid-September 2017
Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

8. **SECRETARY ZINKE INVITED TO THE EVERGLADES BY BIPARTISAN FLORIDA CONGRESSIONAL DELEGATION:** Sen. Rubio led a letter to Sec. Zinke inviting him to tour the Everglades as soon as possible. No policy position touted within the letter, other than the

importance of the Everglades to Florida. No date has been confirmed, but the Secretary has made it a priority.

Timing: TBD October 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

9. **SECRETARY ZINKE HAS BEEN INVITED BY SENATOR CASSIDY TO VISIT LOUISIANA AND THE GULF STATES:** Official invite was received July 28, 2017, from Senator Cassidy's staff for the Secretary to tour the Gulf States and personally see the offshore oil industry, restoring the coast and the benefits of GOMESA. This is in reaction to the FY18 Budget proposal to eliminate state revenue sharing for the Gulf States. Secretary Zinke had two exchanges on this topic during his House and Senate budget hearings with Sen. Cassidy and Rep. Graves. In addition, he hosted members of the Louisiana and Texas delegations to discuss GOMESA and they reiterated the issue and reaffirmed their invite to the Secretary.

Timing: Possibly November

Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other Significant Rulemakings and Actions

1. **IMPORTS OF AFRICAN ELEPHANT TROPHIES FROM ZIMBABWE:** The Fish and Wildlife Service (FWS) plans to publish in the Federal Register a change to the permitting status for imports of African elephant trophies from Zimbabwe. After receiving information from Zimbabwe on a number of substantial improvements to their management program and elephant conservation efforts, FWS has determined that taking of African elephant trophy animals in Zimbabwe on or after January 21, 2016 (the date that Zimbabwe's new management plan was officially adopted) through 2017 would enhance the survival of African elephants, and import permits can be issued for these trophies.
Timing: August 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks
2. **UTAH LEASE SALE:** On August 31, BLM-UT will post a Notice of Competitive Lease Sale, EA, and unsigned Finding of No Significant Impact, for parcels to be offered in the December 2017 Quarterly Lease Sale. Seventy-five parcels totaling 94,040 acres in the Vernal and Price Field Offices will be proposed for sale. Several parcels have been controversial due to their proximity to Dinosaur National Monument.
Timing: August 31, 2017
Contact: Kate MacGrigor, Acting Assistant Secretary for Land and Minerals
3. **MINUTE 323 – U.S./MEXICO COOPERATION ON THE COLORADO RIVER.** The Colorado River is shared among seven states in the U.S., and is also shared between the U.S. and Mexico. The Colorado is experiencing an extended period of historic drought since 2000 and a Drought Contingency Plan is being developed amongst states. Negotiations have been underway for a 9-year agreement with Mexico to provide operation certainty regarding deliveries to Mexico, referred to as "Minute 323," to include reductions and water savings at specific Lake Mead elevations, investment to conserve Colorado River water supplies, and enhancement of environmental and riparian resources. The U.S. State Department is proceeding with their

clearance process so that DOI can proceed with review and clearance of the domestic agreements, to finalize and adopt the domestic agreements that are necessary to implement Minute 323 by the end of September 2017.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

4. **JOB OPENINGS AT WHITE HOUSE PARK UNIT:** The National Park Service is announcing the following two positions at the White House and President's Park. One is for a design-build construction supervisor and the other is for a horticulturalist.

Timing: September 1, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

5. **CAPE WIND:** In early September, BOEM plans to publish the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Cape Wind Project. The Final SEIS will supplement the 2009 Final EIS and is being prepared pursuant to a remand order from the D.C. Circuit Court.

Timing: Early September

Contact: James Schindler, Special Assistant Bureau of Ocean Energy Management

6. **NAVAJO GENERATING STATION:** On July 2nd, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station through 2019. The Department's Bureau of Reclamation is a part owner of the power generated by the plant and thus the Administration has a role in the ultimate decision associated with the plant. Interior is helping to identify a possible future owner to keep the plant generating power indefinitely, since the current owners will exit the plant at the end of 2019. On July 19th, Navajo representatives met with the Bureau of Reclamation and requested another stakeholder meeting. A multiple stakeholder meeting is being discussed for September. On July 28th, Peabody Energy and Lazard (investment banking) met with representatives from DOI to discuss potential of investors. Initial discussions sound positive and Lazard hopes to have initial bid proposals by mid-September. Meetings have been scheduled for September 6th in DC and a follow up meeting September 21st in Flagstaff, AZ.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:** National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: August 31, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: September 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. **NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA) GRANTS:** The FWS will announce the Migratory Bird Conservation Commission (MBCC), chaired by Secretary Zinke, which will approve funding for the first round of FY 2018 NAWCA grants, as well as land acquisitions and lease agreements for national wildlife refuges using Migratory Bird Conservation Fund money. The MBCC will also hear a report on NAWCA small grants, which were approved by the North American Wetlands Conservation Council earlier this year.

Timing: September 6, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

September 9-10	Secretary Zinke will travel to Maryland to attend the Cabinet Meeting at Camp David.
September 10	Secretary Zinke will travel to Pennsylvania to visit the Flight 93 National Memorial.
September 11-13	Secretary Zinke will travel to New York to attend Ground Zero ceremony and visit the Statue of Liberty.
September 20-21	Secretary Zinke will travel to Missouri to attend the Johnny Morris Wonders of Wildlife Museum Celebration.
September 21-23	Secretary Zinke will travel to Texas to attend the National Rifle Association's Women's Leadership Forum Summit.
September 27-29	Secretary Zinke will travel to Pennsylvania and New Jersey to visit Valley Forge National Battlefield, Independence National Historic Park, and the Gateway National Recreation Area.

To: Jorjani, Daniel[daniel.jorjani@sol.doi.gov]
From: Caminiti, Mariagrazia
Sent: 2017-09-01T17:20:39-04:00
Importance: Normal
Subject: Take Monday off---lol---heads up for Tuesday 9/5 - note the 4pm
Received: 2017-09-01T17:21:26-04:00

10:00 - Weekly Pols

11:00 - DOI/DOJ call

1:00 - call w/St of Maryland

1:30 - Weekly Admin

2:30 - ITLO weekly

3:00 - DGL weekly

4:00 - OIG interview - review of reassignments

5:00 - SW biweekly w/LanceW

—

Marigracę Caminiti

Executive Assistant to the Solicitor
US Department of the Interior
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To: Micah Chambers[micah_chambers@ios.doi.gov]; Laura Rigas[laura_rigas@ios.doi.gov]; Christopher Salotti[chris_salotti@ios.doi.gov]; Pamela Barkin[pamela_barkin@ios.doi.gov]; James Cason[james_cason@ios.doi.gov]
From: Ferriter, Olivia
Sent: 2017-06-02T16:34:36-04:00
Importance: Normal
Subject: Fwd: Testimony for the House Interior Appropriations Subcommittee Hearing
Received: 2017-06-02T16:34:44-04:00
[Final Testimony Secretary Zinke 2018 Budget.docx](#)

FYI

Olivia Barton Ferriter
Deputy Assistant Secretary - Budget, Finance, Performance and Acquisition
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----- Forwarded message -----

From: Moss, Adrienne <adrienne_moss@ios.doi.gov>
Date: Fri, Jun 2, 2017 at 2:54 PM
Subject: Testimony for the House Interior Appropriations Subcommittee Hearing
To: Trish Hall <Latricia_A_Hall@ios.doi.gov>
Cc: Olivia Ferriter <olivia_ferriter@ios.doi.gov>, Denise Flanagan <Denise_Flanagan@ios.doi.gov>, Jason Freihage <jason_freihage@ios.doi.gov>, Tiffany Taylor <Tiffany_Taylor@ios.doi.gov>, "Joos, PatrickPatrick Joos" <Patrick_Joos@ios.doi.gov>

Trish,
Attached is the Secretary's written testimony for the June 8 House Interior hearing. It has been cleared by OMB and reviewed with all edits incorporated, by Denise. It is ready to go to the Hill.

Thank you.

**STATEMENT OF RYAN ZINKE, SECRETARY OF THE INTERIOR
BEFORE THE SUBCOMMITTEE ON INTERIOR, ENVIRONMENT
AND RELATED AGENCIES
HOUSE COMMITTEE ON APPROPRIATIONS
ON THE 2018 PRESIDENT'S BUDGET REQUEST**

Mr. Chairman, Ranking Member McCollum, and Members of the Subcommittee, I am pleased to appear before you today to discuss the 2018 President's Budget for the Department of the Interior which provides \$11.7 billion for Interior's programs. The budget also requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Of Interior's total request, \$10.6 billion is within the jurisdiction of this subcommittee, a decrease of \$1.4 billion or 12 percent compared to the 2017 Annualized Continuing Resolution, and a decrease of \$1.6 billion or 13.4 percent below 2017 enacted. Because of the timing between enactment of the FY 2017 Omnibus Appropriations Act and submission of the FY 2018 President's Budget, my statement compares requested funding to the FY 2017 Annualized Continuing Resolution unless otherwise noted.

2018 Budget Priorities

The 2018 budget for the Department of the Interior features targeted investments to further the Administration's America First national energy goals. At the same time, this budget reflects the President's commitment to fiscal responsibility – proposing sensible and rational reductions and making hard choices to reach a balanced budget by 2027.

Across Interior's diverse mission, this budget emphasizes the Department's crucial role in promoting economic growth. America's lands hold tremendous job-creating assets. Visitors to our parks spend more than \$18.4 billion in local gateway communities, supporting approximately 318,000 jobs and contributing \$34.9 billion into the national economy according to the 2016 *National Park Service Visitor Spending Effects Report*.

In 2016, Interior's energy, mineral, grazing, and forestry activities resulted in \$8.8 billion in revenue to the American people, including direct revenue payments to States, Tribes, and local communities. These same activities supported \$136 billion in economic output. In addition, direct grants and payments to States, Tribes, and local communities provided an estimated \$10 billion in economic output.

The Department's 2018 budget reflects the Administration's commitment to strengthen America's economic and energy security, focus on the Nation's infrastructure, be responsible stewards of magnificent lands, encourage public access for outdoor recreation, and strengthen tribal sovereignty and support self-determination.

America's Energy

The Department of the Interior is the steward and manager of America's natural resources including oil, gas, coal, hydropower, minerals and renewable energy sources. The Department has a critical role to play in the future energy security of our Nation as well as our overall economic well-being. American energy resources create jobs and generate significant revenue both to the U.S. Treasury and States. This budget proposes \$791.2 million in current and permanent funding for energy related programs across the Department, an increase of \$16.3 million from 2017. Interior's 2018 budget supports an "all-of-the-above" energy development strategy, increasing funding for onshore and offshore oil and gas, strengthening coal management activities, and sustaining the current pace of renewable energy development.

The budget reflects the importance of offshore energy production to America's economic and energy security. The 2018 budget shores up offshore oil and gas programs with appropriated funding to continue a strong offshore program. The request for the Bureau of Ocean Energy Management features a \$10.2 million increase to update the Five-Year Outer Continental Shelf Oil and Gas Leasing Program, consistent with the President's Executive Order *Implementing an America-First Offshore Energy Strategy* to expand offshore oil and gas exploration and production. The 2018 budget for the Bureau of Safety and Environmental Enforcement includes a \$1.2 million increase to focus on workforce training, permitting, and information technologies to better permit exploration, development, and production operations.

Onshore, the budget requests a \$16.0 million increase for the Bureau of Land Management's oil and gas management program, providing a total of \$75.9 million in appropriated funds focused on improving oil and gas permit application processing, streamlining leasing, and modernizing practices. The budget also includes \$19.0 million for the BLM coal management program, an \$8.0 million increase to reduce administrative processing times, simplify the lease application process, and improve the timeliness to complete lease sale fair market value determinations.

The 2018 budget includes \$78.1 million for Renewable Energy programs both on and offshore. Although a reduction from prior years, this funding level will sustain the current pace of development at a level consistent with anticipated project interest.

To ensure the public continues to receive the full value of natural resources production on Federal lands, in April, I signed a charter establishing a Royalty Policy Committee of 28 local, tribal, State, and other stakeholders to advise me on the fair market value of and revenue collection from Federal and Indian mineral and energy leases, including renewable energy sources.

The Nation's Infrastructure

Interior plays an important role in maintaining and improving the Nation's infrastructure. Interior's national role includes managing significant real property assets as well as conducting reviews and processing permits to support national infrastructure development as part of a balanced multiple land use strategy.

Interior's 2018 budget maintains the 2017 level of \$98.8 million for Fish and Wildlife Service planning and consultation activities. This level maintains the FWS capability to meet its legal consultation requirements and avoid logjams that could delay infrastructure projects and associated economic benefits. The BLM budget also directs base funding to address siting for energy transmission projects, and proposes an increase in the oil and gas management program to facilitate rights-of-way associated with energy development projects.

Interior manages an infrastructure asset portfolio with a replacement value exceeding \$300 billion, ranging from elementary and secondary schools serving Indian children, to highways and bridges serving the daily commuting needs of the Washington, D.C., metropolitan area. Interior owns approximately 43,000 buildings, 100,000 miles of road, and 80,000 structures – including iconic landmarks, as well as dams, bridges, laboratories, employee housing, and irrigation and power infrastructure. Taking care of this significant asset portfolio is a persistent challenge. Interior's deferred maintenance backlog has grown to over \$15 billion in 2016. Construction and maintenance funding across the Department totals \$1.4 billion in 2018, not including the Bureau of Reclamation.

From my first day on the job, one of my top priorities has been to prioritize efforts to address the National Park Service maintenance backlog. Our National Parks have 73 percent of Interior's deferred maintenance backlog while hosting 324 million visitors last year. The 2018 budget for NPS includes \$236.3 million for construction and deferred maintenance projects, an increase of \$21.0 million from 2017. Total estimated funding for NPS maintenance and construction needs including estimated recreation fee revenue is \$765.7 million, an increase of \$34.7 million from FY 2017. This increase will support targeted and measurable upgrades to a number of the NPS' highest priority assets including the first phase of repairs to the Arlington Memorial Bridge project.

America's Lands

In my first days in office, I issued two Secretarial Orders to expand access to public lands and increase hunting, fishing, and recreation opportunities nationwide. The 2018 budget includes \$4.4 billion for Interior's land management operations in the NPS, FWS, and the BLM, a reduction of \$354.3 million from 2017. This includes funding for operational programs as well as management and maintenance of the national parks, national wildlife refuges, and BLM's network of national conservation lands. Within land management operations, the budget prioritizes funding to protect and conserve America's public lands and natural resources, provide access to public lands for the next generation of outdoor enthusiasts, and ensure visitor safety.

To support land management priorities, funding for lower priority activities, such as Federal land acquisition projects, is reduced. The 2018 budget emphasizes taking care of our current assets, rather than adding more by purchasing new land. Accordingly, the budget for land acquisition programs is \$54.0 million, \$129.1 million below 2017. A small amount of funding is maintained in each bureau for emergencies or acquisition of inholdings needed to improve management of established areas or to increase public access.

To better manage and balance these responsibilities, the Department relies on its front-line land managers, field scientists, and partners to monitor, assess, and collect information about the status of resource conditions. Interior's U.S. Geological Survey is the Nation's leading source of expertise in earth and natural sciences and works closely with other Interior bureaus and State, local, tribal and other Federal partners to help resource managers adapt to changing conditions on the ground. The 2018 budget includes \$922.2 million for USGS programs, to focus on core science activities including land and water resources, energy and minerals, mapping, ecosystems, invasive species, natural hazards, and environmental health.

The 2018 request budgets responsibly for the Payments in Lieu of Taxes program. The budget includes \$397 million for these payments as part of the discretionary request, to ensure continued support to the communities neighboring Interior and other Federal lands without assuming enactment of separate legislation. The 2018 level for PILT is reduced 12 percent below the 2017 CR level, consistent with the total reduction in the Interior budget.

A key component of Interior's land stewardship is management of wildland fire. The 2018 budget provides \$389.4 million for wildfire suppression – the full 10-year average of suppression expenditures. This level of funding is projected to be sufficient to meet fire suppression needs in an average fire season without the risk of needing emergency transfers from other departmental accounts.

The 2018 budget also continues efforts to address the challenges of water availability and drought conditions. Within the jurisdiction of the Energy and Water Development Subcommittee, the budget invests \$1.1 billion in Reclamation water resources to ensure millions of customers continue to receive the water and power that are the foundation of a healthy economy.

America's Trust Responsibilities

Interior maintains strong and important relationships with Native and insular communities, helping to promote efficient and effective governance and to support nation-building and self-determination. The Department provides services directly, or through contracts, grants or compacts, to 567 federally recognized Tribes with a service population of nearly two million American Indians and Alaska Natives. The budget prioritizes support for programs serving the broadest service population and proposes reductions in initiatives that are more narrowly focused. The President's budget maintains the Administration's strong support for the principle of tribal self-determination, and efforts to strengthen tribal communities across Indian Country. The budget includes full funding for Contract Support Costs and Tribal Grant Support Costs that Tribes incur from managing Federal Indian programs.

The 2018 budget request includes \$786.4 million to continue support for core Indian education programs, including formula funding and operation and maintenance funding for elementary and secondary schools, and support for post secondary programs. The 2018 budget continues to meet Federal responsibilities outlined in enacted land and water rights claim settlements with Indian Tribes, and includes \$160.8 million for authorized settlements and technical and legal support involving tribal water rights, to maintain the Department's ability to complete these settlement requirements within the statutory timeframes.

In recognition of the importance of the Nation's relationship with Palau and the Pacific national security strategy, the budget requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Management and Reform

As part of the President's March 2017, Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch, the Administration launched a government-wide effort to create a leaner, more efficient, and more responsive government. The Order directs agencies to begin planning to operate at the funding levels in the 2018 budget and develop a broader Agency Reform Plan to address long-term workforce reductions. Interior is moving prudently with implementation and has put in place hiring controls to enable limited hiring, prioritizing filling field positions rather than office positions, and limiting hires in the Washington, D.C., and Denver, Colorado, areas. This process enables the Department to continue to fill important positions as work is underway to develop a comprehensive and thoughtful agency plan.

The 2018 budget reduces lower priority programs \$1.6 billion below 2017 and supports 59,968 full time equivalents. This represents an estimated reduction of roughly 4,000 full time equivalent staff from 2017. To accomplish this, the Department will rely on a combination of attrition, reassignments, and separation incentives. Actual attrition rates and acceptance of separation incentives will determine the need for further action to reduce staffing.

Reducing Interior's physical footprint and seeking ways to consolidate space and resources will continue to be management objectives going forward. Efforts will build on several multi-year actions to reduce Interior's nationwide facilities footprint and improve the efficiency and effectiveness of its information technology infrastructure and financial reporting capabilities. Ensuring Interior's cybersecurity strength continues to be a priority. The 2018 budget maintains \$10.0 million in the appropriated working capital fund to continue the Department's remediation of its cybersecurity systems and processes.

Bureau Highlights

Bureau of Land Management – The 2018 request for the BLM is \$1.1 billion, a decrease of \$162.7 million below the 2017 CR level and \$180.5 million below the 2017 enacted level. The budget proposes \$963.2 million for Management of Lands and Resources and \$89.8 million for Oregon and California Grant Lands, BLM's two primary operational appropriation accounts.

The BLM request features increases in oil, gas and coal management programs reflecting national energy security priorities. The budget proposes \$75.9 million for Oil and Gas Management to support permitting and rights-of-way processing, streamline leasing, and modernize practices. The budget also includes \$19.0 million to strengthen BLM's Coal Management program, an increase of \$8.0 million from 2017.

To maintain the BLM's land stewardship responsibilities, the budget includes \$67.8 million for Rangeland Management and \$70.7 million for the Wild Horse and Burro Management program. As part of a broader effort to consider all necessary options to manage the unsustainable growth of this program, the budget proposes to eliminate current appropriations language restricting the BLM's ability to use the tools provided in the Wild and Free-Roaming Horse and Burro Act and enable BLM to manage on-range herds more effectively and humanely. The budget also proposes \$47.2 million for Recreation Resources Management and \$27.7 million to continue support for the National Conservation Land areas.

The budget includes \$89.8 million for the Oregon and California Grant Lands programs. At this level, the budget prioritizes offering the allowable sale quantity in new resource management plans.

Mineral development on Federal lands is important to the national economy. However, a long-standing challenge is to provide a fair return to taxpayers for the use of these natural resources without discouraging development. To meet this challenge, the Department will conduct a study starting in 2017 to evaluate the production and development of hardrock minerals from Federal lands. The review will include an analysis of revenue recovered by other entities, including other countries, which permit mining on their land. The Department will also consult with other appropriate agencies, such as the Department of Agriculture. The findings will be considered as part of ongoing efforts to improve agency management and streamline permitting related to natural resources produced from Federal lands.

Bureau of Ocean Energy Management – The 2018 President's budget for BOEM is \$171.0 million, slightly above the 2017 CR level, including \$114.2 million in current appropriations and \$56.8 million in offsetting collections from rental receipts and cost recoveries. The budget maintains a level program by increasing appropriated funding by \$35.5 million to address a commensurate shortfall in estimated offsetting rental receipts and cost recoveries. The 2018 budget features a \$10.2 million increase to support the development of a new Five-Year Plan for the OCS Oil and Gas Leasing Program.

Bureau of Safety and Environmental Enforcement – The 2018 President's budget request for BSEE is \$204.9 million, slightly above the 2017 CR level, including \$112.0 million in current appropriations and \$92.9 million in offsetting collections from rental receipts, cost recoveries, and inspection fees. The budget maintains a strong offshore safety and environmental enforcement program by increasing appropriations and estimated inspection fee revenue to address anticipated shortfalls in offsetting rental receipts and other cost recoveries. The 2018 budget includes a \$1.2 million increase for technical training to expand staff development efforts for BSEE's inspector, engineer, and geoscientist workforce, and \$12.7 million for oil spill research, a reduction of \$2.2 million from 2017.

Office of Surface Mining Reclamation and Enforcement – The 2018 budget request for OSMRE is \$129.4 million in current appropriations, \$110.7 million below the 2017 CR level. The majority of this reduction reflects the elimination of \$89.9 million for Abandoned Mine Lands Economic Development Grants. Although beneficial, funding for this pilot program overlaps with existing mandatory Abandoned Mine Lands grants which continue without any

proposed changes. The budget includes \$60.2 million for State and tribal regulatory grants, a level consistent with anticipated State and tribal program obligations.

U.S. Geological Survey – The 2018 budget request for the USGS is \$922.2 million, \$137.8 million below the 2017 CR level. The budget includes \$70.9 million for satellite operations, which supports continued development of the Landsat 9 ground systems, supporting a launch date in early fiscal year 2021 to replace the Landsat 7 satellite, which is reaching the end of its usable life.

The request emphasizes energy and mineral development, supporting essential hazards monitoring, and providing scientific information to support decision making by resource managers and policy makers. The budget maintains support for nationwide networks of more than 8,000 streamgages and nearly 3,000 earthquake sensors. The request provides \$17.3 million for nationwide efforts to counter invasive species and wildlife diseases such as white-nose syndrome and highly pathogenic avian influenza, and the budget maintains \$17.3 million for 40 cooperative research units that support State-specific needs, particularly related to fish and game species. It continues acquisition of modern elevation data for Alaska and the three-year cycle of topographic map updates for the contiguous United States.

The 2018 request proposes to realign the 2018 budget structure to create a new Land Resources activity to reflect focused science related to on-the-ground land management and adaptive management challenges. As part of this request, the budget proposes \$17.4 million for the National and Regional Climate Adaptation Science Centers, reflecting the proposed consolidation of eight regional centers to four.

Fish and Wildlife Service – The 2018 President's budget requests \$1.3 billion for FWS programs, a decrease of \$202.9 million from the 2017 CR level. The budget includes \$1.2 billion for FWS operations, a decrease of \$85.3 million below 2017. Within Resource Management, the budget prioritizes funding to maintain operations and maintenance for the National Wildlife Refuge System (\$470.1 million) and the National Fish Hatchery System (\$51.9 million). Funding will continue operations for all refuge areas and hatchery sites.

The budget includes \$225.2 million for Ecological Services programs with an emphasis on species recovery and planning consultation activities. Consistent with efforts to focus adaptive management related science within the USGS, the request proposes to eliminate funding for Science Support at \$17.0 million and Landscape Conservation Cooperatives at \$13.0 million.

The budget is \$118.6 million for FWS conservation grants including \$52.8 million for State and Tribal Wildlife Grants, \$33.6 million for the North American Wetlands Conservation Fund, \$19.3 million for the Cooperative Endangered Species Conservation Fund, \$9.0 million for the Multinational Species Conservation Fund, and \$3.9 million for Neotropical Migratory Bird Conservation. Consistent with decreases in other land acquisition programs across the Department, the request proposes to eliminate funding for Cooperative Endangered Species Conservation Fund land acquisition grants.

National Park Service – The 2018 President’s budget request for NPS is \$2.6 billion, \$296.6 million below the 2017 CR level.

The budget proposes \$2.2 billion for NPS operations. Within this account, funding is prioritized for the care and maintenance of existing resources. The budget includes \$99.3 million for repair and rehabilitation projects, which addresses the deferred maintenance backlog, as well as \$112.7 million for cyclic maintenance projects, which ensures maintenance is conducted in a timely fashion to avoid increasing the deferred maintenance backlog.

The budget proposes \$226.5 million for Construction projects, an increase of \$34.0 million to help address deferred maintenance and allow for targeted and measurable upgrades to a number of the NPS’s highest priority assets. Within this request is \$18.2 million for phase one construction requirements for the Arlington Memorial Bridge. Also included in the request is \$15.0 million in appropriated funds for the Centennial Challenge program to provide the Federal match to leverage partner donations for signature projects and programs. An additional \$15.0 million from fee revenue is also anticipated for 2018 to support Centennial projects.

The request provides \$37.0 million for National Recreation and Preservation programs to support local community efforts to preserve natural and cultural resources. The budget assumes savings of \$18.8 million from the proposed elimination of payments to National Heritage Areas. The 2018 budget includes \$51.1 million for the Historic Preservation Fund core grants-in-aid programs. The budget proposes to shift support for Land and Water Conservation Fund State Grants from appropriated to mandatory funding comparable to an estimated \$90 million the program will receive from oil and gas activities from certain Gulf of Mexico offshore leases.

Indian Affairs – The 2018 President’s budget request for Indian Affairs is \$2.5 billion, \$303.3 million below the 2017 CR level. Funding for Operation of Indian Programs totals \$2.1 billion, a decrease of \$181.1 million below 2017. In 2018, priority is given to programs serving the broadest audience rather than initiatives or pilots. Within this total is \$786.4 million for Bureau of Indian Education programs where funding focuses on direct school operations and full funding for Tribal Grant Support Costs. The main operating account also includes \$349.3 million for Public Safety and Justice programs and \$277.5 million for Trust Services programs, which includes the elimination of the Tribal Climate Resilience program.

The budget fully funds Contract Support Costs at \$241.6 million, \$35.4 million below 2017, which will cover all anticipated requirements at the requested program funding level. The budget requests \$143.3 million for Construction programs. The 2018 budget prioritizes dams, irrigation projects, and irrigation systems which deliver water to aid economic development as well as protect lives, resources, and property. The budget prioritizes funding within education construction for operations and maintenance of existing facilities. The budget also includes \$14.0 million to provide payments to ongoing Indian Land and Water settlements and \$6.7 million for the Indian Guaranteed Loan Program.

Departmental Offices

Office of the Secretary – The 2018 budget request for Departmental Operations is \$123.9 million, \$596.5 million below the 2017 CR. The majority of this reduction is \$451.1 million associated

with the shift of the Payments in Lieu of Taxes program which was appropriated within Departmental Operations in 2017. In 2018, the budget proposes to fund PILT as discretionary funding within Department-wide Programs. The budget also reflects the proposed transfer of \$140.3 million associated with the Office of Natural Resources Revenue to a new appropriation within Department-wide Programs. The proposed transfer of ONRR funding will increase transparency in the budget for the Department's energy revenue programs. The 2018 request for remaining Office of Secretary programs reflects a reduction of \$4.0 million from central program management activities across the Office of the Secretary organization. Of this, \$2.6 million is associated with reductions to the Office of Valuation Services consistent with the proposed Department-wide decrease for new land acquisition.

Office of Insular Affairs – The 2018 OIA budget request is \$84.3 million, \$19.0 million below the 2017 CR. In addition, the majority of OIA's budget proposal reflects a request to fully fund the renegotiated Compact with Palau by transferring \$123.9 million from the Department of Defense, rather than \$13.1 million in extended incremental annual payments. The Compact is an important element of the Pacific national security strategy.

Office of the Solicitor – The 2018 budget proposes \$65.7 million for the Office of the Solicitor, the same as the 2017 CR level, to provide legal counsel, administer the Department's ethics program, and help resolve legal issues among bureaus and offices as they fulfill their duties.

Office of Inspector General – The 2018 budget proposes \$50.0 million for the Office of Inspector General, the same as the 2017 CR level, to continue support for audit and investigations across the Department.

Office of the Special Trustee for American Indians – The 2018 budget requests \$119.4 million for OST, \$19.4 million below the 2017 CR level. The budget proposes a \$3.7 million reduction below 2017 in Field Operations reflecting prioritization of services to continue operations at the beneficiary call center. A reduction of \$3.1 million is proposed within Historical Trust Accounting in expectation of reduced requirements. Smaller additional reductions are taken across the organization.

Department-wide Programs

Payments in Lieu of Taxes – The 2018 budget proposes \$396.9 million in discretionary funding for PILT, a decrease of \$54.3 million from the comparable 2017 CR level of \$451.1 million appropriated in Departmental Operations in 2016. This is a reduction of 12 percent, commensurate with the Department of the Interior's overall reduction from 2017 CR budget levels.

Office of Natural Resources Revenue – The 2018 budget request includes \$137.8 million for ONRR's receipts management programs, a decrease of \$2.5 million below the comparable 2017 CR level of \$140.3 million. The 2018 budget request proposes to transfer ONRR's receipts management program from the Office of the Secretary's Departmental Operations account to a separate appropriation within Department-wide Programs to increase transparency of the program. The request includes \$3.5 million for anticipated contract cost increases for the Minerals Revenue Management Support System.

Central Hazardous Materials Fund – The 2018 budget requests \$2.0 million for the Central Hazardous Materials Fund, \$8.0 million below the 2017 CR. The budget request funds program management and legal staff. The program will fund the highest priority remediation projects based on the availability of recoveries and focus resources on remediation projects with potentially responsible parties.

Wildland Fire Management – The 2018 budget request for the Wildland Fire Management Program is \$873.5 million. The total request represents a decrease of \$118.3 million from the 2017 CR level for the Wildland Fire Management and FLAME accounts. At this level the request provides \$389.4 million for Suppression Operations to fully fund the 10-year average. To streamline financial management processes and improve the efficiency in allocating suppression funding, the Department proposes to fund all suppression activities in the Wildland Fire Management account and eliminate the separate FLAME Wildfire Suppression Reserve Fund account once all current balances in the FLAME account are drawn down. The request also includes \$322.2 million for Preparedness activities, essentially level with 2017, and \$149.5 million for Fuels Management, \$20.2 million below 2017.

Natural Resource Damage Assessment and Restoration – The 2018 request for NRDAR is \$4.6 million, a decrease of \$3.2 million below the 2017 CR level. The budget includes funding needed for ongoing damage assessments and restoration activities.

Working Capital Fund – The 2018 budget proposes \$59.5 million for the appropriated portion of the Department's Working Capital Fund, a decrease of \$7.5 million from the 2017 CR level. The reduction is from funds requested for the Financial and Business Management System which is proposed at \$46.3 million. The request maintains \$10.0 million for Department-wide Cybersecurity needs.

Legislative Proposals

Bureau of Reclamation Title Transfer – The Administration is developing a proposal to better facilitate title transfer of Reclamation facilities to non-Federal entities when such transfers are beneficial to all parties. This proposal will allow local water managers to make their own decisions to improve water management at the local level, while allowing Reclamation to focus management efforts on projects with a greater Federal nexus.

Cancel Southern Nevada Public Land Management Act Account Balances – The budget proposes legislation to cancel \$230.0 million in unobligated balances from the Southern Nevada Public Land Management Act program over a three year period. This would redirect a portion of the program balances to the Treasury for broader taxpayer use. The SNPLMA program is not proposed for elimination and viable conservation efforts will continue to be supported.

Gulf of Mexico Energy Security Act Payments – The Administration proposes to repeal revenue sharing payments to four coastal States – Alabama, Louisiana, Mississippi, and Texas – and their local governments, which are currently set to expand substantially starting in 2018. This proposal will ensure the sale of public resources from Federal waters owned by all Americans,

benefits all Americans. Mandatory funding for LWCF State Grants would continue, but this legislative proposal would replace GOMESA's complicated allocation formula with a fixed annual appropriation of a comparable dollar amount, starting at \$90.0 million in 2018 and increasing to \$125.0 million in 2022 and remaining at \$125.0 million each year thereafter.

Land and Water Conservation Fund – The LWCF receipts authorization expires at the end of fiscal year 2018 and the Administration will review options for reauthorization, including consideration of a range of conservation-related investments that could be funded through the LWCF.

Oil and Gas Leasing in the Arctic National Wildlife Refuge – The Administration will propose legislation to allow oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge also known as the “1002 area.” The budget assumes lease sales would begin in 2022 or 2023, allowing adequate time for the completion of appropriate environmental reviews and an updated assessment of the state of the oil and gas market and lease bidding potential prior to scheduling specific lease sales. An additional lease sale or sales would be held in 2026 or 2027. Lease sales in the ANWR are estimated to generate \$3.5 billion in bonus bids to be split between the U.S. Treasury and the State of Alaska. The proposal is estimated to generate a net of \$1.8 billion in new revenue to the Treasury over 10 years.

Reauthorize the Federal Land Transaction Facilitation Act – The budget assumes permanent reauthorization of FLTFA's land sale authority, allowing Interior to dispose of lands with low conservation value and use the proceeds to acquire lands with higher conservation values, consistent with the original FLTFA mandate.

Recreation Fee Program – The budget proposes to permanently reauthorize the Federal Lands Recreation Enhancement Act, which currently expires in September 2018. As a precaution, appropriations language is also submitted with the budget proposing a one-year extension through September 2019. The revenues collected by Interior from these recreation fees – nearly \$290 million annually – are an important source of funding for land management operations, maintenance, and improvements to recreation facilities on public lands.

Termination of EPAct Geothermal Payments to Counties – The budget proposes to restore Federal geothermal leasing revenue allocations to the historical formula of 50 percent to the States and 50 percent to the U.S. Treasury by repealing Section 224(b) of the Energy Policy Act of 2005.

Offsetting Collections and Fees

Bureau of Safety and Environmental Enforcement Offshore Inspection Fees – The budget includes appropriations language to amend the current fee structure for BSEE inspection fees to better align with BSEE's inspection practices and program costs. The language structures fees charged for the inspection of offshore facilities to distinguish between those “without processing equipment” or “with processing equipment” and incorporate consideration of the number of wells and water depth. These changes to the fee structure are estimated to generate \$65.0 million in 2018.

National Wildlife Refuge Damage Cost Recovery – The budget includes appropriations language to authorize the FWS to retain recoveries from responsible parties to restore or replace damages they cause. This is similar to authorities provided to the NPS for damages to national parks and monuments.

Conclusion

Thank you for the opportunity to testify on the President's 2018 budget request for the Department of the Interior.

In closing, this is a responsible budget to help balance the Federal budget by 2027. It maintains core functions important to the American people, including providing the public the unique American experience that comes from visiting our parks, refuges, and public lands. It reflects tough choices to prioritize and focus limited resources where investments have the most impact, but continues to deliver access and services which are critical to Americans. I thank you again for your continued support of the Department's mission. I look forward to answering questions about this budget. This concludes my written statement.

To: Renner, Elinor[elinor_renner@ios.doi.gov]
From: Chambers, Micah
Sent: 2017-08-29T13:32:58-04:00
Importance: Normal
Subject: Re: report
Received: 2017-08-31T03:07:51-04:00

yes, if they ramp up those requests, it will be after they return from Congress so they should still be aware

On Tue, Aug 29, 2017 at 1:29 PM, Renner, Elinor <elinor_renner@ios.doi.gov> wrote:

Should I still keep this on?

DOI RECEIVED TWO PERTINENT MINORITY OVERSIGHT REQUESTS: The Department received two politically-driven requests from Minority members. One is from the House, the other from the Senate. The House letter from five Maryland Democrats requests the

Secretary to remove the statue of Gen. Lee from Antietam National Battlefield. The Secretary recently visited Antietam to announce NPS Battlefield grants where he made comments specific

to the statue. Three Democrat Senators (Carper, Heitkamp, Udall) sent an oversight letter to Secretary Zinke requesting information on the Secretary's decision to reassign SES staffers, how

it aligns with Congressional intent and whether or not tribes were consulted.

Timing: August 21, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

On Mon, Aug 28, 2017 at 6:40 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:

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Micah Chambers

Acting Director

Office of Congressional & Legislative Affairs

Office of the Secretary of the Interior

--

Elinor Renner
U.S. Department of the Interior
Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

--

Micah Chambers

Acting Director

Office of Congressional & Legislative Affairs

Office of the Secretary of the Interior

To: Cameron, Scott[scott_cameron@ios.doi.gov]
From: Summers, Christina
Sent: 2017-08-30T12:42:17-04:00
Importance: Normal
Subject: Re: Agency Reform Plan - status update & request for support with Part 3
Received: 2017-08-30T15:47:32-04:00
DOI Agency Reform - Spectrum v2 8.2.17.pptx

Attached is the spectrum PPT which lists the potential next steps for moving each agency if you have time to incorporate into each proposal in part 3.

On Wed, Aug 30, 2017 at 12:22 PM, Cameron, Scott <scott_cameron@ios.doi.gov> wrote:

Christina,
I'll take ownership of your "ask" for Part 3, and coordinate with my colleagues as necessary.

Thanks,
Scott
Scott J. Cameron
Principal Deputy Assistant Secretary for Policy, Management and Budget
Office of the Secretary of the Interior
Desk 202 208 4242
Cell 202 706 9031

On Wed, Aug 30, 2017 at 12:05 PM, Summers, Christina <christina_summers@ibc.doi.gov> wrote:

As a quick status update on the agency reform plan, I've restructured the document to have 3 main parts, followed by the Secretary's message at the end to meet Jim's latest guidance:

1. Summary of Executive Order & OMB M-17-22
2. Secretary's Government-wide Reform Proposal
3. Interior's Reform Proposal (within Interior)

I've completed a solid draft of Part 1; and am in the process of drafting Part 2; and have not touched Part 3 as much (based on the short time window) except to establish headers as placeholders for future narratives.

My plan for the rest of this afternoon is to wrap up the draft for Part 2, work on re-crafting the Secretary's Message at the end and to incorporate additional input I received from the Budget Office on messaging of the FY19 \$100 million request. **At about 3 pm** I will send the latest version I have to all of you as I have a hard stop today for my school classes. Scott offered to take the reins from there and to complete and submit the final deliverable to Jim later today.

Request for support:

Scott et al,
If you or one of the DASs are available to assist, I could use some help in completing the

upfront narratives in Part 3 that address the why of Interior's internal-facing reforms, as I know we are running out of time and I won't get to it today.

Attached is Part 3 with the headers that require narrative. Each internal proposal within Part 3 may also require some re-framing to align with or tie back to the big vision reform in Part 2.

Let me know if you have any questions. I'm heads down in the document, so if you need to reach me, please call me at 202-802-6174.

Christina

--

Christina Summers, FAC P/PM

On detail to the Office of the Assistant Secretary/Policy, Management & Budget
202-208-4030 (Work)

Office of the Director
Interior Business Center
202-802-6174 (Cell) christina_summers@ibc.doi.gov
US Department of the Interior
Office of the Secretary
www.ibc.doi.gov

Your Focus: Your Mission
Our Focus: You

--

Christina Summers, FAC P/PM

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Your Focus: Your Mission
Our Focus: You

DOI Agency Reform - Spectrum

DOI’s Agency Reform Approach

- Initiatives are cross-cutting, and impact DOI and other federal land management agencies
- Spectrum provides an agile menu of options based upon budget/resources and approvals
- Initiatives are organized in the spectrum by levels of complexity and maturity in achieving DOI’s vision

Traditional

Transitional

Transformational

Multi-level Implementation:



DOI Agency Reform
Spectrum - Phases/Initiatives

	Traditional	FY17-19	Transitional	FY19-21	Transformational	FY20-22
Operational	(b)(5)		(b)(5)		(b)(5)	
Administrative						

Spectrum: Traditional

FY17-19

Operational

1.

2.

3.

4.

(b)(5)

(b)(5)

Spectrum: Transitional

FY19-21

Operational

by

(b)(5)

A

(b)(5)

Spectrum: Transformational

FY20-22

Operational



(b)(5)

Administrative



(b)(5)

DOI Agency Reform

Joint Management Agency (JMA)

SCENARIO 1

(DOI Internal JMA Structure)

(b)(5)

DOI Agency Reform

Joint Management Agency (JMA)

SCENARIO 2

(DOI Internal JMA Structure w/external agency & state liaisons)

(b)(5)

DOI Agency Reform


Joint Management Agency (JMA)

SCENARIO 2

(b)(5)

(b)(5)

Stakeholders' Impact Matrix

			
No impact	Minimal impact	Some Impact	Significant impact

	<div>(b)(5)</div>	
Traditional		
Transitional		
Transformational		

Stakeholders' Benefit Matrix

Transformational	Transitional	Traditional
(b)(5)		

Notes Summary:

No speaker notes are contained in this presentation.

To: Chambers, Micah[micah_chambers@ios.doi.gov]
From: Renner, Elinor
Sent: 2017-08-29T13:29:30-04:00
Importance: Normal
Subject: Re: report
Received: 2017-08-30T05:55:36-04:00

Should I still keep this on?

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Contact: Micah Chambers, Deputy Director, Congressional Affairs

On Mon, Aug 28, 2017 at 6:40 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:

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Micah Chambers
Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--

Elinor Renner
U.S. Department of the Interior
Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

To: Chambers, Micah[micah_chambers@ios.doi.gov]
From: Renner, Elinor
Sent: 2017-08-29T13:38:19-04:00
Importance: Normal
Subject: Re: report
Received: 2017-08-30T06:16:43-04:00

Thanks!

On Tue, Aug 29, 2017 at 1:32 PM, Chambers, Micah <micah_chambers@ios.doi.gov> wrote:

yes, if they ramp up those requests, it will be after they return from Congress so they should still be aware

On Tue, Aug 29, 2017 at 1:29 PM, Renner, Elinor <elinor_renner@ios.doi.gov> wrote:

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Contact: Micah Chambers, Deputy Director, Congressional Affairs

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Micah Chambers
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Elinor Renner
U.S. Department of the Interior

Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

--

Micah Chambers
Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

--

Elinor Renner
U.S. Department of the Interior
Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

To: Richardson, Karen[karen.richardson@sol.doi.gov]
Cc: Raymond Limon[raymond_limon@ios.doi.gov]; Pierre-Louis, Alesia[alesia_pierre-louis@ios.doi.gov]; Mary Pletcher[mary_pletcher@ios.doi.gov]
From: Mack, Jonathan
Sent: 2017-08-29T10:00:42-04:00
Importance: Normal
Subject: Re: DTS Assignment--SES Reassignments: Document and information request
Received: 2017-08-29T10:01:44-04:00

Hi Karen,

(b)(5)

Thanks!

Jonathan Mack
Director, Executive Resources Division
Office of Human Resources
Department of the Interior
Phone: 202-208-5590
Fax: 202-208-5285

On Tue, Aug 29, 2017 at 8:24 AM, Richardson, Karen <karen.richardson@sol.doi.gov> wrote:

We now have 3 incoming requests on this topic this week, one from the Senate, one from OSC and one from OIG. I suggest we meet today to coordinate so that we do not duplicate our efforts. I am available anytime except from 11 to 12.

Thanks,

Karen

On Tue, Aug 29, 2017 at 8:06 AM, Raymond Limon <raymond_limon@ios.doi.gov> wrote:

Karen

(b)(5)

(b)(5)

I'm copying Jonathan for awareness.

(b)(5)

(b)(5)

Thanks Ray

Sent from my iPhone

Begin forwarded message:

From: "Parrish, Jean" <jean_parrish@ios.doi.gov>
Date: August 29, 2017 at 5:53:50 AM MDT
To: Alesia Pierre-Louis <alesia_pierre-louis@ios.doi.gov>, Raymond Limon
<raymond_limon@ios.doi.gov>
Cc: Donna M Riley <Donna_Riley@ios.doi.gov>, Michelle Dalton
<michelle_dalton@ios.doi.gov>
Subject: **Fwd: DTS Assignment--SES Reassignments: Document and information request**

Hello Alesia and Ray,
Would you please review this incoming letter and let me know who should begin working on the response in Mary's absence?

I've attached the incoming documents for your review.

Thanks, Jean

----- Forwarded message -----

From: <DTS@fws.gov>
Date: Tue, Aug 29, 2017 at 6:24 AM
Subject: DTS Assignment--SES Reassignments: Document and information request
To: jean_parrish@ios.doi.gov, Mary_Pletcher@ios.doi.gov

Hello and welcome to the DTS automated email alert!

Your office (DHCD) has a task assigned.

Please log in to the Data Tracking System at the following URL Address:
<https://dts.fws.gov/dts/preLogin.do?officeId=4043> and review Document Control Number (DCN)** EST-00004193.

To move the document to the next office in the routing process, enter the task completed date for your office's routing in the routing screen and save the record.

Document Subject: SES Reassignments: Document and information request
Synopsis: Attention: Mary Plether
Action Required: 1-Prepare Reply
Assigned By Office: PMB Correspondence User: Kashieka Minor

Thank you.

--

Jean Parrish

Administrative Officer
U.S. Department of the Interior
1849 C Street NW
Room 5113
Washington, DC 20240
202-208-1927

--

Karen K. Richardson
Director, Employment and Labor Law Unit
(202) 208-5708 (work)
(202) 480-6981 (cell)

To: Raymond Limon[raymond_limon@ios.doi.gov]; Pierre-Louis, Alesia[alesia_pierre-louis@ios.doi.gov]
Cc: Jonathan Mack[jonathan_mack@ios.doi.gov]; Mary Pletcher[mary_pletcher@ios.doi.gov]
From: Richardson, Karen
Sent: 2017-08-29T08:24:55-04:00
Importance: Normal
Subject: Re: DTS Assignment--SES Reassignments: Document and information request
Received: 2017-08-29T09:33:47-04:00

We now have 3 incoming requests on this topic this week, one from the Senate, one from OSC and one from OIG. I suggest we meet today to coordinate so that we do not duplicate our efforts. I am available anytime except from 11 to 12.

Thanks,

Karen

On Tue, Aug 29, 2017 at 8:06 AM, Raymond Limon <raymond_limon@ios.doi.gov> wrote:

Karen

(b)(5)
(b)(5) I'm copying Jonathan for awareness. (b)(5)
(b)(5)

Thanks Ray

Sent from my iPhone

Begin forwarded message:

From: "Parrish, Jean" <jean_parrish@ios.doi.gov>
Date: August 29, 2017 at 5:53:50 AM MDT
To: Alesia Pierre-Louis <alesia_pierre-louis@ios.doi.gov>, Raymond Limon <raymond_limon@ios.doi.gov>
Cc: Donna M Riley <Donna_Riley@ios.doi.gov>, Michelle Dalton <michelle_dalton@ios.doi.gov>
Subject: Fwd: DTS Assignment--SES Reassignments: Document and information request

Hello Alesia and Ray,
Would you please review this incoming letter and let me know who should begin working on the response in Mary's absence?

I've attached the incoming documents for your review.

Thanks, Jean

----- Forwarded message -----

From: <DTS@fws.gov>

Date: Tue, Aug 29, 2017 at 6:24 AM

Subject: DTS Assignment--SES Reassignments: Document and information request

To: jean_parrish@ios.doi.gov, Mary_Pletcher@ios.doi.gov

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Number (DCN)** EST-00004193.

To move the document to the next office in the routing process, enter the task completed
date for your office's routing in the routing screen and save the record.

Document Subject: SES Reassignments: Document and information request

Synopsis: Attention: Mary Pletcher

Action Required: 1-Prepare Reply

Assigned By Office: PMB Correspondence User: Kashieka Minor

Thank you.

--

Jean Parrish
Administrative Officer
U.S. Department of the Interior
1849 C Street NW
Room 5113
Washington, DC 20240
202-208-1927

--

Karen K. Richardson
Director, Employment and Labor Law Unit
(202) 208-5708 (work)

(202) 480-6981 (cell)

To: jean_parrish@ios.doi.gov[jean_parrish@ios.doi.gov];
Mary_Pletcher@ios.doi.gov[Mary_Pletcher@ios.doi.gov]
From: DTS@fws.gov
Sent: 2017-08-29T06:24:56-04:00
Importance: Normal
Subject: DTS Assignment--SES Reassignments: Document and information request
Received: 2017-08-29T06:31:50-04:00

Hello and welcome to the DTS automated email alert!

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<https://dts.fws.gov/dts/preLogin.do?officeld=4043> and review Document Control Number (DCN)** EST-00004193.

To move the document to the next office in the routing process, enter the task completed date for your office's routing in the routing screen and save the record.

Document Subject: SES Reassignments: Document and information request
Synopsis: Attention: Mary Pletcher
Action Required: 1-Prepare Reply
Assigned By Office: PMB Correspondence User: Kashieka Minor

Thank you.

To: Harry Humbert[harry_humbert@ios.doi.gov]
Cc: Amy Holley[amy_holley@ios.doi.gov]
From: Cameron, Scott
Sent: 2017-08-28T12:22:18-04:00
Importance: Normal
Subject: Fwd: 30 Day Weekly Report
Received: 2017-08-29T02:13:01-04:00
[DOI Cabinet 30 Day Report 8-21-17.docx](#)

Harry,
I am thinking that DOI's efforts on Harvey merit a paragraph for this report. Can you generate that for me by the end of the day, please?

Thanks,

Scott

Scott J. Cameron

Principal Deputy Assistant Secretary for Policy, Management and Budget

Office of the Secretary of the Interior

Desk 202 208 4242

Cell 202 706 9031

----- Forwarded message -----

From: **Renner, Elinor** <elinor_renner@ios.doi.gov>

Date: Mon, Aug 28, 2017 at 9:54 AM

Subject: 30 Day Weekly Report

To: Micah Chambers <micah_chambers@ios.doi.gov>, Scott Cameron

<scott_cameron@ios.doi.gov>, Andrea Travnicek <andrea_travnicek@ios.doi.gov>, William

Dove <william_dove@ios.doi.gov>

Cc: Katharine MacGregor <kate_macgregor@ios.doi.gov>, Todd Willens

<todd_willens@ios.doi.gov>

Good Morning Everyone,

Please send me your updates for the weekly report by COB today. I have attached the report from last week here. Please let me know if you have any questions.

Warmly,

Elinor

--

Elinor Renner

U.S. Department of the Interior

Immediate Office of the Secretary

Special Assistant to the Secretary

Washington, DC 20240

202-208-6087

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
August 22, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of August 22, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

1. **MONUMENT REVIEW:** We are preparing the report to comply with Executive Order 13792 of April 26, 2017 calling for a review of National Monuments. The Secretary has visited 5 states and met with countless stakeholders to conduct the review. The report will give general recommendations. Specific recommendations will be submitted separately as draft proposals for the President's consideration. The Secretary has briefed White House staff on preliminary recommendations and advised the White House Chief of Staff on the Department's rollout plan.
Timing: August 24, 2017
Contact: Downey Magallanes, Acting Deputy Chief of Staff
2. **NAITONAL PARK SERVICE FUNDING INITIATIVE:** August 25th is the 101st birthday of the National Park Service. The Secretary has submitted a funding initiative to OMB to create a maintenance account to address the \$11.5 billion in backlog maintenance. Addressing the backlog is critical to the park experience of over 300 million people every year. Secretary Zinke will announce his commitment to the parks on August 25th and requests POTUS involvement in the weeks after the event to announce a funding/restore our parks initiative.
Timing: August 25, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks
3. **NPS SENIOR PASS INCREASE:** The Department announced in July that beginning August 28, federal agencies would begin selling the new America the Beautiful Senior Pass, which allows lifetime access to certain federal lands. The new price for the Lifetime Senior Pass will be \$80, which is an increase from \$10. The annual senior pass will be \$20. This increase is mandated by the National Park Service Centennial Act, passed in December of 2016. Existing passes will be grandfathered.
Timing: August 28, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks
4. **CRITICAL MINERALS REPORT:** USGS will release a new report presenting resource and geologic information for 23 critical mineral commodities important to our national economy and national security, many of which are sourced entirely outside of the United States. This is the first update since the last assessment undertaken in 1973. The Department has proposed to the White House consideration of a draft Executive Order directing Interior to help coordinate the appropriate agencies to undertake a government-wide approach to facilitate the domestic mining and processing of critical minerals. Discussion on the contents of the E.O. is continuing. Interior is hosting a roundtable with mining executives on August 24 to discuss the issue.

Timing: August 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **VENTING AND FLARING RULE:** BLM will publish a proposed rule to suspend or delay requirements from the “Waste Prevention, Production Subject to Royalties and Resources Conservation” (Venting and Flaring) for 18 months until July 17, 2018. BLM is currently reviewing the final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future. The rule was sent to OMB on August 15, 2017.

Timing: Late August 2017 / Early September 2017

Contact: Vincent DeVito, Counselor to the Secretary for Energy Policy

Reports to Congress and Congressional Testimony

1. **DOI RECEIVED TWO PERTINENT MINORITY OVERSIGHT REQUESTS:** The Department received two politically-driven requests from Minority members. One is from the House, the other from the Senate. The House letter from five Maryland Democrats requests the Secretary to remove the statue of Gen. Lee from Antietam National Battlefield. The Secretary recently visited Antietam to announce NPS Battlefield grants where he made comments specific to the statue. Three Democrat Senators (Carper, Heitkamp, and Udall) sent an oversight letter to Secretary Zinke requesting information on the Secretary’s decision to reassign SES staffers, how it aligns with Congressional intent, and whether or not tribes were consulted.

Timing: August 21, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

2. **HILL NOTIFICATIONS FOR UPCOMING REPROGRAMMING REQUEST:** Pending OMB approval, the Department intends to notify the relevant authorizing and appropriating Committees (Senate Energy and Natural Resources, House Natural Resources, Senate Interior Appropriations Subcommittee, House Interior Appropriations Subcommittee) about the reorganization and realignment of the Office of the Special Trustee for American Indians (OST). DOI’s Program Management and Budget office and OMB are currently coordinating to secure approval. Notification to the Hill will entail formal letters and briefings for Committee staff, which OCL will coordinate.

Timing: September 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

3. **SENIOR FWS OFFICIAL TO TESTIFY BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE:** Gary Frazer (Assistant Director for Ecological Services, U.S. Fish and Wildlife Service) will testify before the Permanent Subcommittee on Investigations regarding implementation of FAST-41. This provision was part of the FAST Act, which passed December 2015. The intent of the legislation is to coordinate the review process for infrastructure projects between all of the involved government agencies. This hearing is intended to highlight the reform and remind the Administration that this review process already exists as we seek to expedite/streamline the

environmental review process. This hearing was previously scheduled for July 26, 2017 but was postponed and has now rescheduled.

Timing: 10 am, September 7, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

4. **DOI NOMINEES IN PROGRESS:** Brenda Burman (BOR), Susan Combs (A/S PMB) and Doug Domenech (A/S Insular Areas) had their confirmation on Thursday the 20th before the Senate Energy and Natural Resources committee and they were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) was officially nominated and is set to appear before the Committee for his nomination hearing on September 7, 2017. Ryan Nelson (Solicitor) was officially nominated Wednesday August, 2nd. His committee paperwork has been submitted and Committee plans to include him in the hearing on the 7th with Mr. Balash.

Other/Awareness Only

1. **DOI POSTPONES ADVISORY BOARD MEETINGS.** The Department is continuing to review the charter and charge of the more than 200 boards, committees, and advisory panels to ensure they are structured to receive maximum public input and comply with the Federal Advisory Committee Act. The Department spends more than \$10 million to facilitate these boards and many are not meeting their charter obligations, are not meeting regularly, and have little turnover or numerous unfilled positions. Meetings have been postponed until September 2017 following the Department's review unless justified on a case-by-case basis.
Timing: September 1, 2017
Contact: Lori Mashburn, White House Liaison
2. **COORDINATED LONG-TERM OPERATION OF THE CENTRAL VALLEY PROJECT (CVP) AND THE CALIFORNIA STATE WATER PROJECT (SWP)**
 Reclamation will announce a Notice of Intent (NOI) and Public Meetings for Reinitiation of Consultation under the ESA of the Coordinated Long-Term Operation of the Central Valley Project and the California State Water Project, based on new information regarding multiple years of drought and low populations of listed species. It is anticipated this joint NEPA and Endangered Species Act process will take three to five years to complete. This will dictate the operations of the CVP and SWP. In mid-September, pending Department approval, Reclamation will announce through a Federal Register publication the NOI and Public Meetings to be held in October.
Timing: August 2017
Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science
3. **CNN ANTIETAM NATIONAL BATTLEFILED STORY:** CNN will be at Antietam National Battlefield to film a features story about the battle, the upcoming 150th anniversary of Antietam National Cemetery on September 17, and projects that will be completed using President Trump's first quarter salary with additional funds from the National Park Foundation, Civil War Trust, and Save Historic Antietam Foundation.
Timing: August 24, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

4. **DANEROUS URANIUM MINE DECISION:** BLM-UT's Monticello Field Office intends to issue a decision approving a modification to the plan of operations for the Daneros Uranium Mine in San Juan County. The proposed modification could increase ore production from 100,000 tons over seven years, to 500,000 tons over 20 years, and could generate up to 40 jobs. The mine is located just outside the current boundary of the Bears Ears National Monument.

Timing: August 28 – End of August

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

5. **ONSHORE OIL AND GAS PERMITTING ON FEDERAL LAND:** Throughout June, the Bureau of Land Management will hold online oil and gas lease sales.

- Colorado. On September 7, BLM-CO will hold an online oil and gas lease sale for 10 parcels totaling 1,227 acres in Cheyenne, Baca, Kiowa, Yuma, Morgan, and Weld Counties, CO.
- New Mexico. On September 7, BLM-NM will hold an online oil and gas lease sale for 62 parcels totaling 15,731 acres in Eddy, Chaves, Quay, Curry, Roosevelt, and Lea Counties, NM.
- Nevada. On September 12, BLM-NV will hold an online oil and gas lease sale for three parcels totaling 3,680 acres in Nye County, NV.
- Utah. On September 12, BLM-UT will hold an online oil and gas lease sale for 15 parcels totaling 4,438 acres in Juab County, UT.

Timing: August 15 – September 12, 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

6. **ROSEBUD MINE ADDITION:** In mid-September, OSMRE anticipates publishing an NOA of a Draft Environmental Impact Statement (DEIS) for Western Energy Company's Rosebud Mine proposed Permit Area F. The proposed permit area, which is located near Colstrip, MT, would add 6,746 acres to the 25,576-acre surface coal mine. The mine currently employs 400 people and produces 12.3 million tons per year.

Timing: Mid-September 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

7. **SECRETARY ZINKE INVITED TO THE EVERGLADES BY BIPARTISAN FLORIDA CONGRESSIONAL DELEGATION:** Sen. Rubio led a letter to Sec. Zinke inviting him to tour the Everglades as soon as possible. No policy position touted within the letter, other than the importance of the Everglades to Florida. No date has been confirmed, but the Secretary has made it a priority. He would like to discuss the issue with Sen. Rubio over the phone in the immediate future before any trip is scheduled.

Timing: TBD, Early November or December dates have been proposed

Contact: Micah Chambers, Deputy Director, Congressional Affairs

8. **SECRETARY ZINKE HAS BEEN INVITED BY SENATOR CASSIDY TO VISIT LOUISIANA AND THE GULF STATES:** Official invite was received July 28, 2017 from Senator Cassidy's staff for the Secretary to tour the Gulf States and personally see the offshore oil industry, restoring the coast and the benefits of GOMESA. This is in reaction to the FY18

Budget proposal to eliminate state revenue sharing for the Gulf States. Secretary Zinke had two exchanges on this topic during his House and Senate budget hearings with Sen. Cassidy and Rep. Graves. In addition, he hosted members of the Louisiana and Texas delegations to discuss GOMESA and they reiterated the issue and reaffirmed their invite to the Secretary.

Timing: TBD

Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other Significant Rulemakings and Actions

1. PUBLIC PRIVATE PARTNERSHIP/RECREATION TASK FORCE:

Secretary Zinke will visit Great Smokey Mountains National Park with Senator Lamar Alexander (TN) on Friday August 25th to celebrate the 101th Birthday of the National Park Service. The secretary will announce the formation of a new task force dedicated to recreational access on public lands. Sec. Zinke will also discuss plans to address the maintenance backlog.

Timing: August 25, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary of Fish and Wildlife and Parks

2. IMPORTS OF AFRICAN ELEPHANT TROPHIES FROM ZIMBABWE: The Fish and Wildlife Service (FWS) plans to publish in the *Federal Register* a change to the permitting status for imports of African elephant trophies from Zimbabwe. After receiving information from Zimbabwe on a number of substantial improvements to their management program and elephant conservation efforts, FWS has determined that taking of African elephant trophy animals in Zimbabwe on or after January 21, 2016 (the date that Zimbabwe's new management plan was officially adopted) through 2017 would enhance the survival of African elephants, and import permits can be issued for these trophies.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. GATEWAY WEST TRANSMISSION LINE: This week BLM will issue a Notice of Intent for an Environmental Assessment to propose an alternate route for the Gateway West Transmission Line in Idaho. The line's current route cuts through neighborhoods and populated areas in order to avoid a National Conservation Area. The FY2017 funding bill included legislation rerouting the line away from the current controversial route.

Timing: August 24, 2017

Contact: Kathy Benedetto, Senior Advisor, Bureau of Land Management

4. MINUTE 323 – U.S./MEXICO COOPERATION ON THE COLORADO RIVER.

The Colorado River is shared among seven states in the U.S., and is also shared between the U.S. and Mexico. The Colorado is experiencing an extended period of historic drought since 2000 and a Drought Contingency Plan is being developed amongst states. Negotiations have been underway for a 9-year agreement with Mexico to provide operation certainty regarding deliveries to Mexico, referred to as "Minute 323," to include reductions and water savings at specific Lake Mead elevations, investment to conserve Colorado River water supplies, and enhancement of environmental and riparian resources. The U.S. State Department is proceeding with their

clearance process so that DOI can proceed with review and clearance of the domestic agreements, to finalize and adopt the domestic agreements that are necessary to implement Minute 323 by the end of September 2017.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **CAPE WIND.** In early September, BOEM plans to publish the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Cape Wind Project. The Final SEIS will supplement the 2009 Final EIS and is being prepared pursuant to a remand order from the D.C. Circuit Court.

Timing: Early September

Contact: James Schindler, Special Assistant Bureau of Ocean Energy Management

6. **NAVAJO GENERATING STATION.** On July 2, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station through 2019. The Department's Bureau of Reclamation is a part owner of the power generated by the plant and thus the Administration has a role in the ultimate decision associated with the plant. Interior is helping to identify a possible future owner to keep the plant generating power indefinitely, since the current owners will exit the plant at the end of 2019. On July 19, Navajo representatives met with the Bureau of Reclamation and requested another stakeholder meeting. A multiple stakeholder meeting is being discussed for September. On July 28, Peabody Energy and Lazard (investment banking) met with representatives from DOI to discuss potential of investors. Initial discussions sound positive and Lazard hopes to have initial bid proposals by mid-September.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:**

National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: August 31, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary for Fish and Wildlife and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. **NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA) GRANTS:** The FWS will announce the Migratory Bird Conservation Commission (MBCC), chaired by

Secretary Zinke, that will approve funding for the first round of FY 2018 NAWCA grants, as well as land acquisitions and lease agreements for national wildlife refuges using Migratory Bird Conservation Fund money. The MBCC will also hear a report on NAWCA small grants, which were approved by the North American Wetlands Conservation Council earlier this year.

Timing: September 6, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

- August 24 **Secretary Zinke** tentatively traveling to Montana with Secretary Purdue to visit forest fire at Lolo National Forest.

- August 25 **Secretary Zinke** traveling to Tennessee and on to North Carolina to visit Smoky Mountains National Park and Blue Ridge Parkway National Park to give Founders Day remarks.

- September 9-10 **Secretary Zinke** will attend the Cabinet Meeting.

- September 10-11 **Secretary Zinke** will travel to Pennsylvania to visit Flight 93 National Memorial.

- September 12 **Secretary Zinke** will travel to Pennsylvania to visit Valley Forge National Battlefield.

- September 13 **Secretary Zinke** will travel to Pennsylvania to visit Independence National Historic Park.

- September 14-15 **Secretary Zinke** will travel to New York and New Jersey to visit New York City and the Gateway National Recreation Area.

- September 20-21 **Secretary Zinke** will travel to Missouri to attend the Johnny Morris Wonders of Wildlife Museum Celebration.

- September 22 **Secretary Zinke** will travel to Texas to attend the National Rifle Association's Women's Leadership Forum Summit.

To: Renner, Elinor[elinor_renner@ios.doi.gov]
From: Chambers, Micah
Sent: 2017-08-28T18:40:47-04:00
Importance: Normal
Subject: report
Received: 2017-08-28T20:37:02-04:00
8-28-17 WH OCL Report.docx

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Micah Chambers
Acting Director
Office of Congressional & Legislative Affairs
Office of the Secretary of the Interior

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
August 28, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of August 28, 2017

DOI 30-Day Policy Look Ahead

Reports to Congress and Congressional Testimony

1. **HILL NOTIFICATIONS FOR UPCOMING REPROGRAMMING REQUEST:** Pending OMB approval, the Department intends to notify the relevant authorizing and appropriating Committees (Senate Energy and Natural Resources, House Natural Resources, Senate Interior Appropriations Subcommittee, House Interior Appropriations Subcommittee) about the reorganization and realignment of the Office of the Special Trustee for American Indians (OST). DOI's Program Management and Budget office and OMB are currently coordinating to secure approval. Notification to the Hill will entail formal letters and briefings for Committee staff, which OCL will coordinate.
Timing: September 2017
Contact: Amanda Kaster, Policy Adviser, Congressional Affairs
2. **SENIOR FWS OFFICIAL TO TESTIFY BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE:** Gary Frazer (Assistant Director for Ecological Services, U.S. Fish and Wildlife Service) will testify before the Permanent Subcommittee on Investigations regarding implementation of FAST-41. This provision was part of the FAST Act, which passed December 2015. The intent of the legislation is to coordinate the review process for infrastructure projects between all of the involved government agencies. This hearing is intended to highlight the reform and remind the Administration that this review process already exists as we seek to expedite/streamline the environmental review process. This hearing was previously scheduled for July 26, 2017 but was postponed and has now rescheduled.
Timing: 10 am, September 7, 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
3. **UPCOMING SENR HEARING:** The Senate Energy and Natural Resources Subcommittee on National Parks will hold a hearing on Encouraging the Next Generation to Visit National Parks. The hearing has been officially noticed, but DOI has not been invited to testify yet. Committee is still debating whether or not to invite a Department witness.
Timing: 2 pm, September 27, 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
4. **UPCOMING SCIA HEARING:** The Senate Committee on Indian Affairs is set to host a hearing to discuss progress made in implementing recommendations related to Indian Programs as identified in the 2017 GAO High Risk List Report. This is a follow up from the May 2017 hearing on the same subject. The Department will discuss completed and pending

recommendations regarding improvements to the Indian Energy Development and the Bureau of Indian Education. Witness(es) for the hearing remain pending.

Timing: 2:30pm, September 13, 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

5. **DOI NOMINEES IN PROGRESS:** Mr. Bernhardt was confirmed by the Senate on July 24, 2017 with a bipartisan vote of 53-43. Five Democrats voted in favor along with all Republicans. Four Republicans missed the vote. Brenda Burman (BOR), Susan Combs (A/S PMB) and Doug Domenech (A/S Insular Areas) had their confirmation on Thursday the 20th before the Senate Energy and Natural Resources committee and they were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) was officially nominated and is set to appear before the Committee for his nomination hearing on September 7, 2017. Ryan Nelson (Solicitor) was officially nominated Wednesday August, 2nd. His committee paperwork has been submitted and Committee plans to include him in the hearing on the 7th with Mr. Balash.
6. **DOI RECEIVED TWO PERTINENT MINORITY OVERSIGHT REQUESTS:** The Department received two politically-driven requests from Minority members. One is from the House, the other from the Senate. The House letter from five Maryland Democrats requests the Secretary to remove the statue of Gen. Lee from Antietam National Battlefield. The Secretary recently visited Antietam to announce NPS Battlefield grants where he made comments specific to the statue. Three Democrat Senators (Carper, Heitkamp, Udall) sent an oversight letter to Secretary Zinke requesting information on the Secretary's decision to reassign SES staffers, how it aligns with Congressional intent and whether or not tribes were consulted.
Timing: August 21, 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
7. **USFWS REPORT TO CONGRESS:** Fish Wildlife Service will be sending a report to Congress on Federal and State Endangered and Threatened Species Expenditures for Fiscal Year 2015. This report is statutorily required. It is still making its way through the approval process.
Timing: TBD
Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other/Awareness Only

1. **SECRETARY ZINKE INVITED TO THE EVERGLADES BY BIPARTISAN FLORIDA CONGRESSIONAL DELEGATION:** Sen. Rubio led a letter to Sec. Zinke inviting him to tour the Everglades as soon as possible. No policy position touted within the letter, other than the importance of the Everglades to Florida. No date has been confirmed, but the Secretary has made it a priority.
Timing: TBD, Early November or December dates have been proposed
Contact: Micah Chambers, Deputy Director, Congressional Affairs
2. **SECRETARY ZINKE HAS BEEN INVITED BY SENATOR CASSIDY TO VISIT LOUISIANA AND THE GULF STATES:** Official invite was received July 28, 2017 from

Senator Cassidy's staff for the Secretary to tour the Gulf States and personally see the offshore oil industry, restoring the coast and the benefits of GOMESA. This is in reaction to the FY18 Budget proposal to eliminate state revenue sharing for the Gulf States. Secretary Zinke had two exchanges on this topic during his House and Senate budget hearings with Sen. Cassidy and Rep. Graves. In addition, he hosted members of the Louisiana and Texas delegations to discuss GOMESA and they reiterated the issue and reaffirmed their invite to the Secretary.

Timing: TBD

Contact: Micah Chambers, Deputy Director, Congressional Affairs

To: marshall_critchfield@ios.doi.gov[marshall_critchfield@ios.doi.gov]
From: Todd Willens
Sent: 2017-08-28T10:29:32-04:00
Importance: Normal
Subject: Fwd: 30 Day Weekly Report
Received: 2017-08-28T10:29:36-04:00
[ATT00001.htm](#)
[DOI Cabinet 30 Day Report 8-21-17.docx](#)

Marshall,

Can you take lead again on this?

Todd Willens
Assistant Deputy Secretary
Acting Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, NW - MIB Room 6116
Washington, DC 20240

Begin forwarded message:

From: "Renner, Elinor" <elinor_renner@ios.doi.gov>
Date: August 28, 2017 at 9:54:07 AM EDT
To: Micah Chambers <micah_chambers@ios.doi.gov>, Scott Cameron
<scott_cameron@ios.doi.gov>, Andrea Travnicek
<andrea_travnicek@ios.doi.gov>, William Dove <william_dove@ios.doi.gov>
Cc: Katharine MacGregor <kate_macgregor@ios.doi.gov>, Todd Willens
<todd_willens@ios.doi.gov>
Subject: 30 Day Weekly Report

Good Morning Everyone,
Please send me your updates for the weekly report by COB today. I have attached
the report from last week here. Please let me know if you have any questions.

Warmly,
Elinor

--

Elinor Renner
U.S. Department of the Interior
Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
August 22, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of August 22, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

1. **MONUMENT REVIEW:** We are preparing the report to comply with Executive Order 13792 of April 26, 2017 calling for a review of National Monuments. The Secretary has visited 5 states and met with countless stakeholders to conduct the review. The report will give general recommendations. Specific recommendations will be submitted separately as draft proposals for the President's consideration. The Secretary has briefed White House staff on preliminary recommendations and advised the White House Chief of Staff on the Department's rollout plan.
Timing: August 24, 2017
Contact: Downey Magallanes, Acting Deputy Chief of Staff
2. **NAITONAL PARK SERVICE FUNDING INITIATIVE:** August 25th is the 101st birthday of the National Park Service. The Secretary has submitted a funding initiative to OMB to create a maintenance account to address the \$11.5 billion in backlog maintenance. Addressing the backlog is critical to the park experience of over 300 million people every year. Secretary Zinke will announce his commitment to the parks on August 25th and requests POTUS involvement in the weeks after the event to announce a funding/restore our parks initiative.
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Timing: August 24, 2017

Contact: Kathy Benedetto, Senior Advisor, Bureau of Land Management

4. MINUTE 323 – U.S./MEXICO COOPERATION ON THE COLORADO RIVER.

The Colorado River is shared among seven states in the U.S., and is also shared between the U.S. and Mexico. The Colorado is experiencing an extended period of historic drought since 2000 and a Drought Contingency Plan is being developed amongst states. Negotiations have been underway for a 9-year agreement with Mexico to provide operation certainty regarding deliveries to Mexico, referred to as "Minute 323," to include reductions and water savings at specific Lake Mead elevations, investment to conserve Colorado River water supplies, and enhancement of environmental and riparian resources. The U.S. State Department is proceeding with their

clearance process so that DOI can proceed with review and clearance of the domestic agreements, to finalize and adopt the domestic agreements that are necessary to implement Minute 323 by the end of September 2017.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **CAPE WIND.** In early September, BOEM plans to publish the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Cape Wind Project. The Final SEIS will supplement the 2009 Final EIS and is being prepared pursuant to a remand order from the D.C. Circuit Court.

Timing: Early September

Contact: James Schindler, Special Assistant Bureau of Ocean Energy Management

6. **NAVAJO GENERATING STATION.** On July 2, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station through 2019. The Department's Bureau of Reclamation is a part owner of the power generated by the plant and thus the Administration has a role in the ultimate decision associated with the plant. Interior is helping to identify a possible future owner to keep the plant generating power indefinitely, since the current owners will exit the plant at the end of 2019. On July 19, Navajo representatives met with the Bureau of Reclamation and requested another stakeholder meeting. A multiple stakeholder meeting is being discussed for September. On July 28, Peabody Energy and Lazard (investment banking) met with representatives from DOI to discuss potential of investors. Initial discussions sound positive and Lazard hopes to have initial bid proposals by mid-September.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:**

National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: August 31, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary for Fish and Wildlife and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. **NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA) GRANTS:** The FWS will announce the Migratory Bird Conservation Commission (MBCC), chaired by

Secretary Zinke, that will approve funding for the first round of FY 2018 NAWCA grants, as well as land acquisitions and lease agreements for national wildlife refuges using Migratory Bird Conservation Fund money. The MBCC will also hear a report on NAWCA small grants, which were approved by the North American Wetlands Conservation Council earlier this year.

Timing: September 6, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

- August 24 **Secretary Zinke** tentatively traveling to Montana with Secretary Purdue to visit forest fire at Lolo National Forest.

- August 25 **Secretary Zinke** traveling to Tennessee and on to North Carolina to visit Smoky Mountains National Park and Blue Ridge Parkway National Park to give Founders Day remarks.

- September 9-10 **Secretary Zinke** will attend the Cabinet Meeting.

- September 10-11 **Secretary Zinke** will travel to Pennsylvania to visit Flight 93 National Memorial.

- September 12 **Secretary Zinke** will travel to Pennsylvania to visit Valley Forge National Battlefield.

- September 13 **Secretary Zinke** will travel to Pennsylvania to visit Independence National Historic Park.

- September 14-15 **Secretary Zinke** will travel to New York and New Jersey to visit New York City and the Gateway National Recreation Area.

- September 20-21 **Secretary Zinke** will travel to Missouri to attend the Johnny Morris Wonders of Wildlife Museum Celebration.

- September 22 **Secretary Zinke** will travel to Texas to attend the National Rifle Association's Women's Leadership Forum Summit.

To: Micah Chambers[micah_chambers@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov];
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From: Renner, Elinor
Sent: 2017-08-28T09:54:07-04:00
Importance: Normal
Subject: 30 Day Weekly Report
Received: 2017-08-28T09:54:54-04:00
[DOI Cabinet 30 Day Report 8-21-17.docx](#)

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Contact: Kathy Benedetto, Senior Advisor, Bureau of Land Management

4. MINUTE 323 – U.S./MEXICO COOPERATION ON THE COLORADO RIVER.

The Colorado River is shared among seven states in the U.S., and is also shared between the U.S. and Mexico. The Colorado is experiencing an extended period of historic drought since 2000 and a Drought Contingency Plan is being developed amongst states. Negotiations have been underway for a 9-year agreement with Mexico to provide operation certainty regarding deliveries to Mexico, referred to as "Minute 323," to include reductions and water savings at specific Lake Mead elevations, investment to conserve Colorado River water supplies, and enhancement of environmental and riparian resources. The U.S. State Department is proceeding with their

clearance process so that DOI can proceed with review and clearance of the domestic agreements, to finalize and adopt the domestic agreements that are necessary to implement Minute 323 by the end of September 2017.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **CAPE WIND.** In early September, BOEM plans to publish the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Cape Wind Project. The Final SEIS will supplement the 2009 Final EIS and is being prepared pursuant to a remand order from the D.C. Circuit Court.

Timing: Early September

Contact: James Schindler, Special Assistant Bureau of Ocean Energy Management

6. **NAVAJO GENERATING STATION.** On July 2, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station through 2019. The Department's Bureau of Reclamation is a part owner of the power generated by the plant and thus the Administration has a role in the ultimate decision associated with the plant. Interior is helping to identify a possible future owner to keep the plant generating power indefinitely, since the current owners will exit the plant at the end of 2019. On July 19, Navajo representatives met with the Bureau of Reclamation and requested another stakeholder meeting. A multiple stakeholder meeting is being discussed for September. On July 28, Peabody Energy and Lazard (investment banking) met with representatives from DOI to discuss potential of investors. Initial discussions sound positive and Lazard hopes to have initial bid proposals by mid-September.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:**

National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: August 31, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary for Fish and Wildlife and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. **NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA) GRANTS:** The FWS will announce the Migratory Bird Conservation Commission (MBCC), chaired by

Secretary Zinke, that will approve funding for the first round of FY 2018 NAWCA grants, as well as land acquisitions and lease agreements for national wildlife refuges using Migratory Bird Conservation Fund money. The MBCC will also hear a report on NAWCA small grants, which were approved by the North American Wetlands Conservation Council earlier this year.

Timing: September 6, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

- August 24 **Secretary Zinke** tentatively traveling to Montana with Secretary Purdue to visit forest fire at Lolo National Forest.

- August 25 **Secretary Zinke** traveling to Tennessee and on to North Carolina to visit Smoky Mountains National Park and Blue Ridge Parkway National Park to give Founders Day remarks.

- September 9-10 **Secretary Zinke** will attend the Cabinet Meeting.

- September 10-11 **Secretary Zinke** will travel to Pennsylvania to visit Flight 93 National Memorial.

- September 12 **Secretary Zinke** will travel to Pennsylvania to visit Valley Forge National Battlefield.

- September 13 **Secretary Zinke** will travel to Pennsylvania to visit Independence National Historic Park.

- September 14-15 **Secretary Zinke** will travel to New York and New Jersey to visit New York City and the Gateway National Recreation Area.

- September 20-21 **Secretary Zinke** will travel to Missouri to attend the Johnny Morris Wonders of Wildlife Museum Celebration.

- September 22 **Secretary Zinke** will travel to Texas to attend the National Rifle Association's Women's Leadership Forum Summit.

To: jean_parrish@ios.doi.gov[jean_parrish@ios.doi.gov];
Mary_Pletcher@ios.doi.gov[Mary_Pletcher@ios.doi.gov]
From: DTS@fws.gov
Sent: 2017-10-05T10:13:56-04:00
Importance: Normal
Subject: DTS Assignment--Regarding some personnel reassignments.
Received: 2017-10-05T10:14:12-04:00

Hello and welcome to the DTS automated email alert!

Your office (DHCD) has a task assigned.

Please log in to the Data Tracking System at the following URL Address:
<https://dts.fws.gov/dts/preLogin.do?officeld=4043> and review Document Control Number (DCN)** EST-00005181.

To move the document to the next office in the routing process, enter the task completed date for your office's routing in the routing screen and save the record.

Document Subject: Regarding some personnel reassignments.
Synopsis: Attn: Mary Pletcher
Action Required: 2-Appropriate Action
Assigned By Office: PMB Correspondence User: Kashieka Minor

Thank you.

To: Skipwith, Aurelia[aurelia_skipwith@ios.doi.gov]
Cc: Hobbie, Brooke[brooke_hobbie@ios.doi.gov]; Downes, David[david_downes@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov]; Steve Glomb[steve_glomb@ios.doi.gov]; Christina Summers[christina_summers@ibc.doi.gov]
From: Senhadji, Karen
Sent: 2017-10-04T15:30:44-04:00
Importance: Normal
Subject: Re: Peru Timber Committee - follow-up info
Received: 2017-10-04T15:30:54-04:00

Hello Aurelia,

Heads-up that USTR's attorneys have advised that it would be best if they convene a conference call of the Timber Committee in order to proceed on the recommendation of sending a letter to CBP, as discussed in our briefing last week. Our office is happy to help staff you for that call (briefing memo, talking points, etc. and to take notes), in coordination with our colleagues in SOL and FWS. Shall we work with Thomas to help schedule?

Also, before that meeting, it is important that whomever is the Acting ASFWP officially delegate responsibility for serving as the DOI representative to the Peru Timber Committee to you (it can be in an email). Currently, I'm still listed as DOI's designee by the Acting ASFWP of the time earlier this year (Maureen Foster). If for some reason you are unavailable for the call, I can still serve in that role on your behalf. Otherwise, I think it makes sense to formally reassign the role to you now.

David and Brooke are copied here, and can follow up with Thomas on scheduling and with you on the details for the meeting and delegation of authority.

Thanks! Karen

Karen Senhadji
Director, Office of International Affairs
Office of the Secretary
U.S. Department of the Interior
karen_senhadji@ios.doi.gov
Office 202-208-5479 , Cell 202-510-0651

On Fri, Sep 29, 2017 at 3:05 PM, Skipwith, Aurelia <aurelia_skipwith@ios.doi.gov> wrote:

Thank you Brooke and David.

It was a pleasure to meet you all and have the briefing of ASFWP role in these trade policies and agreements. I've informed Karen that we are not requesting an in-person meeting.

Aurelia Skipwith
Deputy Assistant Secretary
for Fish and Wildlife and Parks

U.S. Department of Interior
1849 C Street, NW, Room 3148
[Washington, DC 20240](http://www.doi.gov)
(202) 208-5837

On Fri, Sep 29, 2017 at 2:10 PM, Hobbie, Brooke <brooke_hobbie@ios.doi.gov> wrote:

Dear Aurelia,

Regarding the list of other principals on the Peru Timber Committee, we received confirmation that Jeffrey Wood is the representative for DOJ. USDA still has not identified their representative.

Also, I wanted to follow up on the remaining documents we promised to share. Attached are:

- (1) Non-Disclosure Form for the Office of the U.S. Trade Representative to review NAFTA 2.0 text
- (2) Environment-related NAFTA 2.0 negotiating objectives (Here's the link to the full list of objectives: <https://ustr.gov/sites/default/files/files/Press/Releases/NAFTAObjectives.pdf>)
- (3) Environment-related excerpts from The Trade Promotion Authority (TPA) legislation as well as the full TPA text

Thank you!

Brooke

Brooke Hobbie
Office of International Affairs
Department of the Interior
(202) 208-6316

On Thu, Sep 28, 2017 at 11:14 PM, Downes, David <david_downes@ios.doi.gov> wrote:

Dear Aurelia,

It was a pleasure to meet with you today and to have the opportunity to brief you on trade policy issues relevant for the Department, including the proposal by the Office of the U.S. Trade Representative (USTR) that the inter-agency Peru Timber Committee should move to block timber shipments from a Peruvian timber exporter (Oroza).

As discussed, we will stand by for your guidance on whether to ask USTR for an in-person

meeting of the Timber Committee.

Per your request, here are the names and contacts for the Peru Timber Committee representatives for USTR and the U.S. Department of State (DOS), and the likely representative for the U.S. Department of Justice (DOJ):

- USTR – Jennifer Prescott, Assistant U.S. Trade Representative for Environment, (Jennifer_Prescott@ustr.eop.gov; 202-395-9466)
- DOS – Judith (Judy) Garber, Acting Assistant Secretary for Oceans, Environment and Science (GarberJG@state.gov; 202-647-6950)
- DOJ – TBC – likely would be Jeffrey Wood, Acting Assistant Attorney General for the Environment and Natural Resources Division (202-514-2701).

We will let you know as soon as we confirm the DOJ representative and identify the USDA representative.

As promised, please find attached background documents related to the Peru Trade Promotion Agreement, and the Peru Timber Committee:

- US-Peru Trade Promotion Agreement Environment Chapter with Annex on Forest Sector Governance (Forest Annex begins on pg 15);
- Memo by the Secretary of the Interior delegating authority for DOI representation on the Peru Timber Committee to the Assistant Secretary for Fish, Wildlife and Parks;
- Background memo providing brief overview of the Peru Timber Committee and recent developments;
- Draft letter from the Timber Committee to U.S. Customs and Border Protection instructing CBP to block future shipments of timber from a specific Peruvian exporter (Oroza).

We will follow up separately with further information as promised on NAFTA and Trade Promotion Authority legislation.

Please let us know if you need any additional information or have any questions.

Best,

David

David Downes
Chief, Policy Division
Office of International Affairs
Department of the Interior
(202) 208-3994

<https://www.doi.gov/intl>

To: mary_pletcher@ios.doi.gov[mary_pletcher@ios.doi.gov]
From: Michelle Oxyer (via Google Drive)
Sent: 2017-10-02T16:40:00-04:00
Importance: Normal
Subject: Documentation - Reassignments - Transfer of ownership
Received: 2017-10-02T16:40:04-04:00

michelle_oxyer@ios.doi.gov has **made you the owner** of the following shared folder:

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To: Newell, Russell[russell_newell@ios.doi.gov]
From: Mashburn, Lori
Sent: 2017-09-28T12:18:51-04:00
Importance: Normal
Subject: Re: DOI Daily Report for 09/28
Received: 2017-09-28T12:19:37-04:00

Yes, I received this one. Thank you!

Lori K. Mashburn
White House Liaison
Department of the Interior
202.208.1694

On Thu, Sep 28, 2017 at 12:14 PM, Newell, Russell <russell_newell@ios.doi.gov> wrote:

did you get this?
checking on the Daily Comms report.

Russell Newell
Deputy Director of Communications
U.S. Department of the Interior
(202) 208-6232
@Interior

----- Forwarded message -----

From: Nachmany, Eli <eli_nachmany@ios.doi.gov>
Date: Thu, Sep 28, 2017 at 10:07 AM
Subject: DOI Daily Report for 09/28
To:

INTERIOR DAILY COMMUNICATIONS REPORT

NEWS TO SHARE:

Washington Post: Yes, Trump can revoke National Monuments

"Nothing in the Antiquities Act forbids the president from revoking or shrinking a national monument. And the theory is belied by history: Seven presidents have shrunk national monuments, including President William Howard Taft, who reduced the Navajo National Monument by nearly 90 percent. Without law or history on their side, opponents of the review are left with an argument that would have repercussions far beyond the Antiquities Act — repercussions they will decry when the political winds shift. They argue that the president's authority should be interpreted narrowly because the Constitution assigns the power to regulate federal lands to Congress rather than the president. The Antiquities Act does not expressly authorize the president to revoke or modify national monuments; therefore, he lacks that power."

Jamestown (ND) Sun: Burgum: Goal of doubling oil production in North Dakota 'may be

too low'

"The meeting also included two speakers with ties to President Donald Trump. The U.S. Department of Interior is going through a transformation to change the culture, said Vincent DeVito, counselor on energy policy for the agency. 'The Department of Interior being a better business partner for investors, those that want to develop on federal land, is the key to our strategy to energy dominance,' he said, adding his department is focused on responsibly developing federal land."

E&E News: Interior officials ready a big fashion statement

"Getting new uniforms for field personnel is actually a topic that is frequently brought up,' said Interior Department spokeswoman Heather Swift. 'The secretary and deputy secretary are both motivated to get this done for the [Interior] team.' The motivation comes from the bottom up. Though seemingly mundane, the new uniform issue has become one of the pressing topics repeatedly cited by career employees on Interior's electronic 'ideas box,' established about a month ago (Greenwire, Sept. 25). In a recent department-wide memo, Deputy Interior Secretary David Bernhardt advised employees, without any hemming or hawing, that 'your comments have reinforced the very real need' of updating uniforms."

Correcting the Record:New York Times: National Parks Struggle With a Mounting Crisis: Too Many Visitors

"We don't have a choice,' said Jack Burns, who has worked in Zion since 1982. 'We have to do something. If this going to remain a place of special importance for generations, we have to do something now.' The National Park Service was created in 1916 to protect the country's growing system of parks and monuments. Its mandate is to conserve scenery and wildlife while also protecting visitor enjoyment for generations to come. For years, the lack of a reservation system for park entry aligned with the service's ethos of democracy and discovery: Anyone could come, pretty much anytime. (The service has long required permits for hiking in more remote areas.) But lately, both visitors and nature are suffering. Mr. Burns, who is on a team that is considering a reservation system, said some people showed up for a vacation they had planned for months, spent a day in the gridlock and turned around. Rangers, stressed by the frustrated masses, have started a monthly meeting to discuss "visitor use" that some say has turned into a group-therapy session."

TALKING POINTS

- A major issue in our National Parks is the maintenance backlog that has left many of these sites in the "Eisenhower Era."
- Many National Parks across the country already rely on public private partnerships for things like lodging, concessions, and enhanced visitor experiences. Secretary Zinke is dedicated to expanding and replicating successful public private partnerships in National Parks to update and build more campgrounds, provide transportation within parks, rebuild trails, and improve things like bathrooms, picnic areas, and other facilities, thereby addressing the deferred maintenance issue.
- In July, Secretary Zinke established a public-private partnerships advisory committee as part of President Trump's "Made in America" Week to deal with some of these issues on public lands.
- Secretary Zinke is also looking at ways to improve visitor infrastructure on

public lands that neighbor national parks to alleviate some of the stress on our most popular parks.

L.A. Times: Interior Secretary Ryan Zinke calls his staff disloyal in speech to oil industry

"Interior Secretary Ryan Zinke walked into a big gathering of the National Petroleum Council on Monday already facing at least two government probes for his management of the department's workforce of 70,000 — but that didn't stop him from bashing his employees. Zinke told the gathering that he figured upon taking his post that nearly a third of the people at the department were disloyal. The comment may have shed light on the secretary's reasons for directing department officials to reassign approximately 50 top managers in June, as soon as the move may have been legally permissible."

TALKING POINTS

- The media reports were incomplete and mischaracterized the Secretary's analogy.
- The Secretary is a Navy man and used the analogy of seizing a ship in battle and changing policies and procedures.
- The "flag" was not a literal comparison to the flag of the U.S. or even the Administration. In the military structure, to which the Secretary was alluding, the flag represents the command of an organization and the policies and procedures it seeks to implement
- The Secretary led with the fact that Interior is full of "really good people" but that a small minority are hesitant to changing policy and reforms. This includes the bad actors who are frequently the subject of IG reports who resist any change because they know it will lead to accountability.

###

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Sincerely,
Eli Nachmany
Writer, U.S. Department of the Interior
Office of Communications

To: Lori Mashburn[lori_mashburn@ios.doi.gov]
From: Newell, Russell
Sent: 2017-09-28T12:14:43-04:00
Importance: Normal
Subject: Fwd: DOI Daily Report for 09/28
Received: 2017-09-28T12:14:50-04:00

did you get this?
checking on the Daily Comms report.

Russell Newell
Deputy Director of Communications
U.S. Department of the Interior
(202) 208-6232
@Interior

----- Forwarded message -----
From: **Nachmany, Eli** <eli_nachmany@ios.doi.gov>
Date: Thu, Sep 28, 2017 at 10:07 AM
Subject: DOI Daily Report for 09/28
To:

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###

--

Sincerely,
Eli Nachmany
Writer, U.S. Department of the Interior
Office of Communications

To: Daniel Jorjani[daniel.jorjani@sol.doi.gov]; Kevin Haugrud[jack.haugrud@sol.doi.gov]; Ann Navaro[ann.navaro@sol.doi.gov]
Cc: Brown, Laura[Laura.Brown@sol.doi.gov]; Damm, Laura[laura.damm@sol.doi.gov]; Caminiti, Mariagrazia[mariagrazia.caminiti@sol.doi.gov]
From: Moody, Aaron
Sent: 2017-09-27T08:56:22-04:00
Importance: Normal
Subject: NEPA/planning streamlining
Received: 2017-09-27T08:56:29-04:00
[9.25.17 - Draft Report NEPA Streamlining - incorp ASLM.SOL comments_dlr \(1\).docx](#)
[9.25.17 - Appendix B External Input Report.docx](#)
[9.26.17 - APPENDIX C - ACTION ITEMS ADDRESSING SECRETARIAL ORDER 3355_dlr 9.26 \(3\).docx](#)
[9.25.17- Appendix A - Summary Tables NEPA Streamlining - incorp ASLM.pdf](#)

Dan, Jack & Ann-

Attached is the most recent version of the BLM's NEPA/planning streamlining report (DTS BLM0012113) that we have surnamed subject to edits in DTS. We had minor edits but do not see any show-stoppers.

It's pretty messy at the moment because BLM left in redlines to show how it addressed ASLM comments and then we've commented on top of those (see highlights). To further complicate it, appendix A is in .pdf (apparently due to technical difficulties).

Given that messiness, we've asked for a clean version to send to you all for review. BLM has agreed to clean it up after they get ASLM surname. When we get that (presumably later this morning), we'll send it your way in DTS if that works. I believe BLM is still aiming to have this done today under the SO.

-Aaron

Aaron G. Moody
Assistant Solicitor, Branch of Public Lands
Division of Land Resources
Office of the Solicitor
U.S. Department of the Interior
202-208-3495

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Appendix B:
Report on Input Received from State and
Local Governments, Tribes,
and the Public
Improving the BLM's Planning and NEPA Processes

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Foreword

The BLM has received input from State and local governments and Tribes, as well as approximately 1,000 submissions from members of the public, regarding ways to improve the BLM's planning and NEPA processes. The BLM considered the ideas in its initiative to identify ways to improve the Bureau's planning and NEPA processes. This document summarizes common as well as unique ideas received from state and local and Tribal government partners and the public that were relevant to the initiative.

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Section 1, Resources and People

Section 1.1, People

State/Local and Tribal Government Input

Employee retention and succession planning

Input: Modify employee relocation practices to optimize leadership development and longevity. Perform better screening as part of the selection process. Establish programs that allow valuable employees to move up in the same office rather than having to transfer out to acquire credentials necessary to advance to higher positions. Provide incentives to keep proven planning leads, project managers, line officers, and key resource specialists in their current positions for reasonable lengths of time, or until project milestones are completed. Emphasize importance of tenure in key positions. If key employees do leave, remove barriers to replacing them in a timely manner. Conduct transition planning, including promotion of local employees. Encourage BLM employees to be involved in local communities, sports, service organizations, etc., so they are immersed and invested in the community. Put a system in place to address outside complaints regarding BLM employees.

Staff resources

Input: Ensure sufficient staff resources and capacity to respond to local needs. If there is a lack of funding and resources to complete needed work, planning process revisions will not be sufficient to implement land use objectives.

Local hiring

Input: Prioritize hiring of local residents to staff BLM Field Offices to benefit from their understanding of local resources and socioeconomic conditions, build trust with State and local governments, and other stakeholders, and benefit local economies.

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Public Input

Associations and groups

Input: Use associations and groups to help disseminate information about NEPA processes to the public.

Partnership resource engagement

Input: Request assistance from local partnerships with a strong area of expertise in a particular resource, especially when there are no cooperating agencies with a strong specialty in that resource available.

Input: Further engage and utilize nonprofit trail organizations comprised of citizen volunteers and professional staffs in developing and sustaining public trails.

Employee accountability

Input: Use the annual EPAP evaluation process to hold managers and employees accountable for effective performance on their priority NEPA projects.

Community Engagement

Input: Have field staff actively participate in community events and attend community meetings that are not developed by the BLM.

Employee Retention

Input: Avoid the high rates of turnover and transitions at Field Offices that create unnecessary conflicts and delay planning processes.

Relocation of Washington Office

Input: Relocate the BLM national headquarters to the West, closer to the public lands they manage, and provide concomitant and meaningful public input mechanisms.

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Section 1.2, Training

State/Local and Tribal Government Input

Training for BLM employees

Input: Focus on training for BLM employees. Establish and train dedicated planning/NEPA teams, require project managers and interdisciplinary team members to complete formal project management training to ensure consistency and adherence to NEPA requirements. BLM staff should have training on the diversity of Tribal governments in the Southwest region to increase awareness and cultural sensitivity. Offer opportunities for BLM employees and teams to become more engaged in local/community activities so that they can better understand community dynamics and needs.

Training for State/Local and Tribal governments

Input: Develop training for State and local and Tribal government officials to help them understand Cooperating Agency and Joint Lead Agency status. Make these trainings available electronically or by video. Provide opportunities for this training at the start of the planning process. Provide planning and NEPA training for Cooperating Agencies from neutral third parties, such as private-sector trainers. Develop and distribute a citizen's guide to NEPA and/or land use planning to educate stakeholders and the public on processes and requirements.

Dual BLM, State, Local, and Tribal Manager/Official Training

Input: Hold annual training for both land managers and local officials to train and inform interested parties in the consistency, cooperation, and coordination process. Many local officials have 2 or 4 year terms. Federal office managers also change positions on a regular basis. The annual training meeting could provide a common understanding of the roles and responsibilities of the various levels of government.

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Public Input

Geothermal review team

Input: Develop a core geothermal review team to help supplement BLM State staff in state, district, and Field Offices lacking in geothermal experience.

Project Lead knowledge

Input: Require project leads to research and know all completed NEPA documents by their office relating to their program area.

Input: Train employees adequately for the NEPA process. Planning leads should be well versed and have a NEPA certification before working on a planning effort.

Section 1.3, Contracts

State/Local and Tribal Government Input

Incentives

Input: Use standard contract documents to provide incentives for early or optimum performance, similar to what the Federal Highway Administration uses for road construction work.

Local expertise

Input: Give preference to contractors that have experience in the subject matter or project area, including looking to local colleges or universities to find local expertise. Use local contractors whenever possible and practical. Use existing authorities' contract with State or Local governments to perform environmental analysis when State or local governments have agencies with specific expertise in the areas being analyzed.

Contractor Certification

Input: Develop a certification process and, subsequently, a list of Planning/NEPA contractors certified by the BLM. Allow local and State governments to use BLM-certified contractors without

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further review (or, limited review) by the BLM for planning/NEPA requirements on local/State projects requiring BLM authorization.

Minimize Re-work

Input: Ensure responsiveness of third-party contractors to BLM and/or cooperating agency input. This will minimize extensive comments from cooperating agencies and reduce re-working analyses. When possible, opt for preparing NEPA documents in-house rather than through a third-party contractor.

Section 2, Interagency Streamlining

Section 2.1, Cooperation among Federal Agencies

State/Local and Tribal Government Input

Integrate regulatory agencies early in the process to identify and address issues

Input: Integrate US Fish and Wildlife Service (USFWS) and National Marine Fisheries (NMFS), State Historic Preservation Offices (SHPO) decision making into the planning process to allow participation by all Cooperating Agencies and to achieve transparency and consistency. The Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR Part 800 specifically allow for use of the NEPA process for Section 106 purposes (800.9(c)). This substitution is one way to reduce redundancy and parallel reviews, while still meeting the purposes of both laws.

Regulatory certainty

Input: Develop a "regulatory certainty" policy, manual, and handbook for clarity on the BLM's responsibilities for working with the USFWS to meet Endangered Species Act requirements. Include periodic training.

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Use Section 106 Consultation Process as Model

Input: Improve the working relationship with stakeholders by doing better consultation, thus building trust. The consultation process done for Section 106 can be a model.

Consistent environmental review and permitting processes

Input: Develop consistent siting and permitting processes within and among agencies (and across regions), as well as in coordination with States. This will avoid inconsistencies in the environmental review and permitting process for linear facilities, which make outcomes unpredictable and result in litigation and delays.

Modular capacity

Input: Explore the use of strike teams, interagency ESA consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.

Ensure outreach to state legislators

Input: BLM outreach to state legislators provides an avenue for state legislators to "spread the message" to constituents and reach people that BLM might not necessarily be able to.

Make permanent an administrative review period for cooperating agencies

Input: This would ensure appropriate level and timing for review of documents.

Require BLM to align planning efforts with others

Input: Rewrite the planning rule to direct BLM to align approaches of planning efforts with other federal planning agencies, state and local planning efforts for consistency, clarity, and law enforcement. These efforts should be done early in the process and clearly identified in the implementation guidelines and handbooks.

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Clarify in policy and regulation how consistency with other federal and state lands is evaluated and achieved

Input: Taking into consideration direction in FLPMA to ensure consistency with State and local plans "to the maximum extent he finds consistent with federal law and purposes of this Act." for Alaska specifically, align direction in CFR 1620.3-2(e), CFR 3141.4-1 and 43 USC 1345 to recognize the balance that Congress achieved in Alaska with the passage of ANILCA, as stated in ANILCA Section 101(d), and other applicable statutory provisions.

Use analyses prepared by Cooperating Agencies

Input: Reply on analyses prepared by Cooperating Agencies with subject matter expertise or, at a minimum, seek agreement on methodologies and data use. If Cooperating Agencies with subject matter expertise are willing to prepare analyses for BLM NEPA documents, BLM could incorporate those analyses rather than have third-party environmental contractors or BLM staff prepare duplicative, competing analyses.

Allow Cooperating Agencies to coordinate directly with NEPA Contractors

Input: Allow Cooperating Agencies to coordinate directly with environmental contractors preparing NEPA documents for BLM. In the past, BLM has limited Cooperating Agency coordination with BLM's NEPA contractors, requiring cooperators to express concerns and analysis suggestions only to BLM. This three-way communication process has proven inefficient for addressing the complex issues that often need to be analyzed in NEPA documents. Allowing direct communication between Cooperating Agencies and BLM's NEPA contractors (with BLM participation) during preparation of the NEPA analysis will provide greater transparency and facilitate more efficient completion of the NEPA process.

Collaborate with Cooperating Agencies on preparation of NEPA Analyses

Input: Work more closely with Cooperating Agencies during preparation of the NEPA analysis by providing access to preliminary analysis and an opportunity to provide input on proposed analysis

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methodologies prior to compiling a draft document. A greater reliance on Cooperating Agency expertise will provide increased transparency, a reduction in inconsistencies or concerns from cooperators, and a reduction in duplication or re-working of analyses.

Focus analysis by improving coordination between NEPA and other compliance processes

Input: Include the Section 106 consultation process from the National Historic Preservation Act (NHPA). There is guidance on how to do this in the handbook written jointly by the ACHP and the Council on Environmental Quality: NEPA and NHPA, A Handbook for Integrating NEPA and Section 106 (March 2013).

Public Input

Cooperating agency transparency

Input: Ensure that cooperating agencies involved in NEPA reviews and consultation adhere to transparent and well-defined timelines.

Federal Agency MOU engagement

Input: Work with the approximately 40 hunting, fishing and wildlife organizations and 3 Federal agencies that signed the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable MOU in 2006.

USFWS/NOAA

Input: Direct USFWS and National Oceanic and Atmospheric Administration (NOAA) to be cooperating agencies with the BLM.

USFS/DOI

Input: Legislatively transfer USFS to the DOI. That would solve the problem of the USFS and DOI have duplicative and at times conflicting NEPA processes.

Section 2.2, DOI Regulatory Changes

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State/Local and Tribal Government Input

Limit NEPA revisions to those ordered by Court

Input: Limit court ordered revisions and reviews to the minimum required by the Court. Often BLM starts anew because an interest group won on a very small portion of a NEPA related case. Only revise those portions specifically directed by the Court.

Restrictions on Landscape Scale Approach

Input: Reverse the Landscape Scale Approach, as the Rapid Ecoregional Assessment (REA) strategy is designed to serve as an umbrella policy that overrides the planning process or have been used to identify “refugia” warranting special land management. In that same vein, Secretary Jewell issued Secretarial Order No. 3330 on mitigation to “use a landscape-scale approach to identify and facilitate investment in key conservation priorities in a region.” Indeed, the largest landscape approach to public lands management occurred through the implementation of LUP amendments for Greater Sage-Grouse (GRSG). This highly controversial landscape approach to the management of public lands for GRSG has been opposed by nearly every sector on the public lands. Litigation is underway by several Governors, conservation groups, extractive industries, recreation communities, and local governments.

Revise policies requiring designation of Areas of Critical Environmental Concern (ACECs)

and Lands with Wilderness Characteristics (LWCs)

Input: Do not bypass congress by creating de-facto wilderness through designation of ACECs and LWCs

Revise policies requiring redundant and time-consuming processes

Input: Resource Management Plans include stipulations for various land uses for entire field offices, and NEPA (including Determinations of NEPA Adequacy (DNAs)) should be reserved for site

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specific permits not at the pre-lease stage. This delays the process and allows additional opportunity for appeals and other delays.

Prohibit cancellation of issued oil and gas leases caused by administrative errors

Input: Prohibit the cancellation of previously issued oil and gas leases when caused by administrative errors by the BLM; these actions amount to a breach of contract with leaseholders.

Adopt a uniform planning approach across DOI

Input: All DOI agencies should adopt a uniform planning approach to ensure, to the extent possible, that there is consistency and understanding across DOI administrative lines.

Input: Provide specific policy and protocols for land status classification changes.

No regulatory changes needed

Input: Enforce codes already in place. Violators of regulation should be held fully accountable for blatant disregard of environmental quality and safety. Taxpayers and landowners should not have costs externalized on them.

Define the Term “Immediate” in Wild Horse and Burro Management

Input: Define the term “immediate” in regards to the Wild Horse and Burro Act in the Land Use Planning Handbook, to allow for more transparency and consistency. The Wild Horse and Burro Act requires the BLM to “immediately remove excess animal from the range so as to achieve appropriate management levels” when it determines that overpopulation exists. However, courts have been hesitant to enforce this provision of the law because the term “immediate” is not defined in the statute.

The BLM needs a consistent nationwide policy regarding horizontal wells and mixed minerals

Input: Currently, BLM-Wyoming has a more restrictive requirement for a "full" Application for Permit to Drill (APD) for horizontal wells located on private surface and private minerals, but that have a horizontal wellbore that produces from federal minerals at some point over the lateral distance.

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Under IM 2009-078, the BLM does not have an obligation to ensure that surface disturbances are reasonable and necessary when a well is drilled on private surface/private minerals and uses directional drilling technology to access federal minerals. In the above mentioned example, the BLM does not need to have BLM inspectors enforce federal rules with regards to surface issues such as pits, BOP tests, evaluation of cementing behind casing, etc.

Lift outdated ANCSA d-1 withdrawals and expedite recommendation on remaining withdrawals

Input: DOI should prioritize acting on all of BLM's previous planning recommendations in Alaska to lift outdated ANCSA d-1 withdrawals and expedite recommendations on remaining withdrawals not superseded by ANILCA designations.

Promulgate regulations for integrated activity planning

Input: Promulgate regulations for integrated activity planning or revise BLM policies to exempt integrated activity plans from regulations and directives that apply to resource management planning, such as wild and scenic river reviews, and directives that implement the “Protecting Wilderness Characteristics on Lands Managed by the BLM”, (Secretarial Order 3310), to ensure consistency with the Naval Petroleum Reserves Production Act of 1976, which applies to the National Petroleum Reserve Alaska, and FLPMA.

Exempt Alaska from Wilderness, Wild & Scenic River Reviews

Input: Exempt Alaska from “Protecting Wilderness Characteristics on Lands Managed by the BLM”, (Secretarial Order 3310), which conflicts with several provisions in ANILCA that apply to BLM wilderness reviews and exceptions to Wilderness Act prohibitions, resulting in BLM multiple use lands

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being managed more restrictively than designated wilderness. Reinstate former Interior Secretary Gale Norton's Alaska Wilderness Review Policy, which authorized wilderness reviews in Alaska only when there is broad support by the State and Federal elected officials representing Alaska.

Exempt Alaska from the BLM policy directive to conduct agency-directed wild and scenic river reviews during the RMP planning process, affirming direction in ANILCA that allows only congressionally authorized reviews.

Work with the State of Alaska to develop ANILCA Guidance

Input: Work cooperatively with the State of Alaska to both ensure accurate and consistent interpretation and implementation of ANILCA, and to develop comprehensive ANILCA regional guidance for Alaska that can be applied to planning efforts and other management actions.

Section 2.3, Legislative Changes

Endangered Species Act (ESA)

State/Local and Tribal Government Input

ESA and multiple plans

Input: Align the review of multiple plans affecting the same resource, primarily with regards to threatened or endangered species that have vast western ranges.

Amend the ESA

Input: Amend the ESA as recently proposed by House Republicans.

Recovery goals and habitat

Input: Revise the ESA, considering recovery goals rather than habitat.

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Public Input

Land Use Planning

Input: Address actions necessary for species recovery and the extent that recovery can be influenced at the LUP level. Doing so at the plan level will facilitate more efficient and less controversial project-level actions.

Input: Incorporate ESA Section 7(a)(1) conservation reviews in land use planning to support more effective and efficient species conservation programs, and reduce future legal conflicts over resource management.

Tribal Lands

State/Local and Tribal Government Input

Change planning and NEPA processes to reflect that Indian Tribal lands are not public lands

Input: Change the BLM rules to recognize that Tribal land differs from public land, and to accelerate the NEPA process applicable to Tribal land use. Regulatory reforms could ease the burden of NEPA compliance on tribes in relation to administration of Tribal lands. In attempting to address the multiple interests of Federal taxpayers and interest groups in the use of public or national forest lands, however, the regulations and practices of the BLM and Council on Environmental Quality (CEQ) fail to recognize the drastic differences between public lands and Indian lands.

Ensure that laws, regulations, and policies reflect the unique interest that Tribal constituents have in decisions affecting Indian lands, as legitimate stakeholders in such decisions may have significantly different viewpoints.

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ISDEAA

State/Local and Tribal Government Input

Input: Reform regulation, consistent with Congress' policy favoring Tribal self-determination, to eliminate regulatory obstacles preventing Tribes from entering into self-determination contracts under the 1975 Indian Self-Determination and Education Assistance Act (25 USC 46.5321) for performing an agency's NEPA responsibilities.

Wild Horse and Burro Act

State/Local and Tribal Government Input

Input: Empower all tools for wild horse and burro (WHB) management. Congressional riders have reduced the tools available for WHB management even though these tools are allowed under the Wild and Free Roaming Horse and Burro Act as Amended.

Section 106

State/Local and Tribal Government Input

Input: Sec 106 of NHPA must be followed and any process cannot shorten that timeline.

Mining and Minerals Policy Act of 1970

Public Input

BLM Planning Manual

Input: Incorporate the Mining and Minerals Policy Act into the BLM Planning Manual, and follow the Congressional Declaration of Policy in Section 102(a)(12) of FLPMA, "Public lands be

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managed in a manner which recognizes Nation's need for domestic sources of minerals... including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a," more closely.

General Mining Law of 1872

State/Local and Tribal Government Input

Input: Update the mining laws to prevent “new mining” claims on lands where a Recreation and Public Purposes (R&PP) application has been applied for. Currently a jurisdiction has to wait for the Notice of Realty Action (NORA) to be published, new mining claims should not be permitted once the R&PP has been filed.

New Legislation

Input: Establish a procedure for resolving claims to certain rights-of-way on public lands. S. 468 would achieve judicial and administrative efficiency and would reduce the costs typically associated with resolving right-of-way claims under R.S. 2477.

Input: Congress could provide clarity on what “major federal actions” require EISs and what could be covered under EAs or CXs.

Input: Work with Congress to transfer the BLM’s multiple use management authority to the state. Some potential transfers may include the National Petroleum Reserve - Alaska (NPR-A), the White Mountains National Recreation Area, and the Steese National Conservation Area.

Input: Support Congressional fixes to address Quiet Title of RS 2477 and dispense with WSA status.

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Historic Routes Preservation Act

State/Local and Tribal Government Input

Input: Clear up the title on RS 2477 roads (e.g., Historic Routes Preservation Act). Access on BLM administered land continues to be a conflict-causing issue. Only a federal court or Congress can dispose of this issue once-and-for-all.

Section 3, Addressing Disputes

Section 3.1, Dispute Resolution Process

State/Local and Tribal Government Input

Settlement policies

Input: Work with the Department of Justice to review settlement and dispute resolution policies, especially in cases where the settlement decision binds the BLM to implement plans that are inconsistent with State laws and regulations, and in cases where BLM pays large legal fees as part of the settlement.

Develop an agreement that would describe a formal dispute resolution process for local planning disagreements.

Give authority to BLM State Offices to designate a local governmental liaison to work with local governments and provide an avenue for conflict resolution. Field Managers should help resolve conflicts and make decisions to ensure consistent implementation or decision-making but should defer to line-level staff whenever possible.

Define a path to clearing title and responsibilities.

Lawsuit Schedule

Input: Proceed with lawsuits in an expedited manner (e.g., avoid continuance, maintain discovery within the designated timeframes for civil rules, etc.).

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Building Relationships

Improve working relationships and build from those successes on projects where agencies have mutual goals so that when challenges arise the established relationships will assist with conflict resolution.

Public Input

Stakeholder, User Group, and Local Govt. engagement

Input: Encourage collaboration and meetings among different stakeholders and interest groups, including sportsmen and environmental groups, to create compromise and reduced conflicts.

Input: Encourage land managers to reach out to impacted user groups to ensure their input is obtained.

Input: Work out differences before the planning process is finalized by having all stakeholders reach a consensus.

Input: Work with local leaders to assess community interest and likely opposition issues that may need additional analysis.

Section 3.2, Full Force and Effect

Public Input

Timber Sales

Input: Have a policy of giving timber sales “full force and effect” once the protest is denied.

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Section 3.3, Other Dispute/Protest/Appeal Input

State/Local and Tribal Government Input

Forest Service (USFS) objection process

Input: Consider whether the pre-decisional and appeal process used by the USFS is more efficient than the BLM's process.

Public Input

Monitoring and mitigation capacity

Input: Be honest about the BLM's limited capacity relating to monitoring and mitigation the agency does not have the staff time or resources to perform.

User group prioritization and unsolicited public input

Input: Do not provide any user or interest group a priority position, and do not allow unsolicited public input provided outside an active request to delay or alter the implementation of a plan after the planning process is finalized.

USFS objection process

Input: Use the objection process used in the USFS to meet with objectors to discuss planning issues. The USFS system is more efficient and effective for understanding the agency's preferred management for a particular issue and arriving at a consensus alternative with other stakeholders.

Standardized Protest format

Input: Provide a standardized template for protests, and require protest points to be summarized on the first page.

Use plans that weren't litigated as examples

Input: Look to successful plans that weren't litigated against as examples for how to complete the planning process.

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Section 4, State/Local and Tribal Govt. Engagement

Section 4.1, Coordination

State/Local and Tribal Government Input

Tribal Input

Better Communication

Input: Make better use of email, telephone, and online chats to improve communication. The BLM should be transparent, and work better with Tribes on issues to turn these weaknesses into strengths.

Ensure that each Field Office has a minimum of one annual face-to-face meeting with each tribe to discuss BLM planning and NEPA issues. This would help facilitate and streamline these BLM processes.

Do not consider the ePlanning website as a replacement for in-person consultation and engagement with tribes. Engaging tribes early in the NEPA planning process will streamline any project involving Tribal Nations. Make sure that BLM understands the Tribal Nations' areas of interest and concerns. The biggest concern is often ancestral remains and archaeological reports.

Consultation and Coordination

Input: Ensure that analysis includes Tribal input (consultation and coordination) when the project may affect the quality of the Tribe's natural and cultural environment, including the reservation's air and water quality and the well-being of the Tribe's wildlife. All plans prepared in accordance with authorization provided by Federal, State, or local authorities should be included in the consultation and consistency process, regardless of whether they are called "land use", "natural resource" or something entirely different at the local and state level.

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Involve Tribes more in environmental review and assessment

Input: Include tribes more in surveys, testing, and data recovery.

Concerns

Input: Insufficient time to review and respond to BLM's (and other Federal agency's) request creates an "undue" burden to reply. Truly meaningful suggestions take time to develop. There have not been any adequate or appropriate consultation, or general good faith efforts in meaningful dialogue, on this streamlining effort.

It is unclear how this streamlining effort (BLM and other parallel Federal efforts) will proceed with everyone's best interest at heart. The process is unknown. How will the Tribes be assured that their input will be integrated into the report, that their input is duly considered, or that it will result in a meaningful outcome?

With no draft report being released, there is concern that this streamlining effort will affect the Tribes' ability to review and comment on implementation of future Federal actions.

Input: Commenter is concerned by current administration and DOI Secretary streamlining efforts that could pass environmental protections of any lands, particular concern for Tribal hunting and fishing rights guaranteed by the Treaty.

State Input

Science

Input: Clearly articulate and recognize in all NEPA documents and LUP efforts that the authority to manage fish and wildlife on BLM public lands resides with the State wildlife agency. BLM should collaborate with the State to manage the habitat of the fish and wildlife in a manner that respects private property rights and State management authority over wildlife resources. Every planning effort and environmental review should include and reflect this strong, collaborative relationship in order for the BLM to achieve its mandates and for the State agencies to achieve their management and population objectives for fish and wildlife on BLM public lands.

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Identify the importance of states' rich heritage and historic traditions of hunting and angling, and the yearly economic contributions from sportsmen and sportswomen. BLM should evaluate the effect of agency actions on trends in hunting and fishing participation, and address declining trends by implementing actions that expand and enhance hunting and fishing opportunities.

Leverage the use of State, Tribal and local expertise and science in Federal environmental review, consultation, and permitting requirements. Members of State governments should have the opportunity to be included on ID Teams.

Treat States as co-regulators, taking into account State views, expertise and science in the development of Federal actions.

Establish a state committee of resource experts to conduct an independent review of a challenged document, including field evaluations if necessary, to either support the BLM position or provide recommendations on how to change and improve.

Consultation

Input: State fish and wildlife agencies would like to participate in developing management direction for special land use designations or allocations. BLM also needs to reach out prior to implementing plans, including notice of public meetings.

Consult with States on a regular basis, including outside of the NEPA and planning process: as a predicate to Federal action; through the pre-publication stage of rulemaking; after publication and before adoption of rules and regulations; and on an ongoing basis throughout implementation.

Encourage coordination as a continual dialogue between the BLM and engaged state, local, and tribal governments with interests germane to the development of land use plans. Government-to-government consultation should be an ongoing dialogue, not a one-time meeting. Provide quarterly notification to the State and local governments of all upcoming actions or plans of BLM that will affect the local population. BLM should attempt to follow up when they do not hear back from State or local government, as no response does not mean they have declined to engage. It is recommended that State

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and local governments be invited to participate in “kick off” meetings for any project or proposal, this would encourage involvement throughout the entire process.

Ensure that Federal/State consultation is substantive, take place on an early and ongoing basis, and involve both Governors and State regulators.

Ensure that resource management plans (RMPs) are developed and amended in coordination with Governors. RMPs should be developed with meaningful and substantial input from Governors and State regulators before they are released for public comment.

Participation should be results driven and create opportunities and outcomes that work for stakeholders and decision makers.

Recognize the important difference between participation by the public and coordination with State and local governments, Tribes, and Federal Agencies. Coordination must be distinct from public outreach and involvement in order for the State and local governments to have meaningful participation under FLPMA. It is recommended that BLM conduct at a minimum, semi-annual coordination meetings with State and local government officials.

Develop overarching procedures and implementation handbooks/guidelines in coordination with State agencies to minimize negative impacts to statutory authorities and the State’s ability to fulfill state trust responsibilities and for areas of mutual interest and management authority.

Designate a specific timeline and process for coordination, collaboration, and conflict resolution with the State wildlife agencies during the development of any planning regulation or guidance and before the release of any final planning documents with potential to impact state jurisdictional authorities and its ability to manage wildlife on public lands, including guidance for special designations including wilderness, wilderness characteristics, ACECs, WMAs, Recreation Opportunity Spectrum, VRM classifications, Cooperative Management Areas, etc.

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Focus on making meetings more meaningful, with less focus on the number of meetings and who attended, and more on the issues raised and resolutions discussed during and after those meetings. This will help end the impression that the BLM is using the number of meetings and BLM responses just to ensure the Administrative Record proves there was coordination and consultation.

Engagement

Input: Invest in key State and Federal liaison positions with decision-making authority to provide better engagement and understanding between State and Federal forest, wildlife, and land management agencies.

Facilitate the participation of local governments by dedicating staff to develop and provide technical assistance and enhance communications across local, State, Tribal, and Federal partners.

Use the following suggestions for facilitating coordination at the state level to ensure input is represented:

- State Land Use Planning Advisory Council (SLUPAC)
- Issues on Governor's appointed board, with the intent of bringing a consistent message

Provide improved guidance to applicants to promote early identification of stakeholders and early initiation of consultation to foster transparency.

Continue to support the Nevada Collaborative Conservation Network (NCCN) which includes community-based planning with federal, state and local collaboration.

Coordination during National Monument designation

Land and monument boundaries for National Monuments in New Mexico had little input from local agencies such as the New Mexico State Land Office. Lack of transparency and participation of local governments and state agencies significantly limited the consideration of local concerns and priorities for land use and management. For example, by the time NMSLO and BLM met to discuss exchanging State Trust Land parcels out of the monuments' boundaries, NMSLO was limited to selecting limited-value parcels from BLM's Disposal Lands List. Had BLM involved NMSLO earlier in the process, NMSLO

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would have had an opportunity to select higher-value parcels better suited to exchange. This has effectively limited any subsequent land exchange because BLM planning and NEPA processes are so time-consuming that a land exchange involving lands not on BLM's disposal list could not be completed during the 4-year term of a Land Commissioner.

MOU template

Input: Draft a template memorandum of understanding (MOU) or enter into a master MOU for state and local government cooperating agencies that reconciles state and federal conflicts of law and addresses the nature of local government.

Local Government Input**Coordination**

Input: Conduct coordination consistent with federal law; however, recognize that it is not subordinate to the regulations, purposes, policies and programs of such laws, which should be developed in coordination with state and local governments and Tribes to meet the intent of FLPMA. Congress clearly intended BLM consider not only the plans of State and local governments and Tribes, but also their programs and policies.

Coordination by definition is “of the same order or degree; equal in rank or importance” (Merriam Webster Dictionary). Therefore, coordination under FLPMA implies active participation of the state and local government at a level higher than afforded the general public. Only State and local governmental entities, elected by the people and accountable to it, are able to incorporate and legitimize the compromises necessary for sustainable management of the lands.

Implement a process outside of the limitation of the Cooperating Agency status for local governments. Have a separate and distinct coordination process with State and local governments. If coordination was carried out by the BLM as prescribed by FLPMA, local governments would have a refined process that is efficient, action-oriented, and productive. The coordination process, as prescribed by FLPMA, would create a process that is open and transparent; provide early identification of key

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planning issues; identify possible constraints, conflicts, and potential resolutions; and eliminate unnecessary delays and opportunities for litigation. Congress recognized, in developing and adopting this section of FLPMA, that State and local governments in regions dominated by federal land ownership needed additional engagement opportunities above and beyond those provided to the general public. Cooperating Agency status provides only a limited forum for local concerns be considered, but no mandate they be accepted or rationale for any disagreement; this is why coordination is so important.

Local citizen and leader involvement

Input: Ensure that local citizens and government leaders are the most involved in the planning process; they have vast knowledge about local issues and are most affected by the LUP. Early personal contact with local government and the governor's office should emphasize the importance and high value of their direct involvement. This may help foster a sense that the agency does value the opinion of the local governments, and local governments may feel a sense of ownership in a proposal or plan.

Simplify the coordination process, but also actively involve those most affected by the decisions being made (the grazing permittee, the private landowners (if surrounded by BLM land), the subsurface mineral owners, etc.). Coordination fosters solutions and coordination is continuous. Also, accessibility to the planning documents and process should be enhanced. For example, one final RMP refers the reader to a website to obtain information; however the website for that Field Office is not longer in existence.

Do not relegate counties to a simple "review and comment" process during the public consultation process; "meaningful involvement" under FLPMA requires more than listening sessions and the ability to submit comments.

Geographic boundaries

Input: Establish the geographic boundary in planning early in consultation with local government.

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FLPMA and NEPA

Input: Do not insist that the BLM can fulfill coordination with local governments in the NEPA cooperating agency forum. The requirement to coordinate pursuant to FLPMA cannot be fulfilled through the NEPA process. The purposes of the two statutes are distinct; FLPMA prepares the plan and NEPA analyzes the impacts and alternatives of that plan.

Ensure that planning rules specifically include the requirement that the Federal government meaningfully coordinate with local governments and resolve inconsistencies between local and Federal planning at the local level. FLPMA directs that local government "coordination" be conducted in the context of where "the lands are located." 43 U.S.C. § 1712(c)(9) Officially approved and adopted local Land Use Plans, resource related policies, and programs of State and local governments shall be considered for coordinating and consistency. The plain language of FLPMA 1712(c)(9) indicates that coordination should occur with respect to all BLM "land use inventory, planning, and management activities" and all State and local government "land use planning and management programs." 43 U.S.C. §1712(c)(9).

Ensure that plans provide a framework, policies fill in ambiguous gaps, and the programs are the implementation level decisions for local governments. Thus, just because a program isn't specifically mentioned in a plan does not mean that the BLM can ignore it.

Grant counties, conservation districts, and other local governments Cooperating Agency status in the very beginning stages of planning. Involve local governments, particularly Conservation Districts, even if they are not officially Cooperating Agencies.

Do not limit local government cooperation to the Connaughton factors. FLPMA does not contain any language that would require a local government to demonstrate any of the factors in the Connaughton Memorandum.

Make all documents available to cooperators as the documents are developed will facilitate reviews and allow changes on an ongoing basis

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Develop more regulations that will strengthen the role of State and local governments in the planning process. Local governments are seeking for their Congressional right of full participation in the process of coordination and consistency. They are requesting involvement to the maximum extent legally available.

Ensure that counties can have both Cooperating Agency status, as well as participation on ID teams for EAs as well as EISs. Cooperating Agency status should be available on non-EIS projects, as coordination is required even when EAs or a FONSI is being prepared.

Ensure that local governments are informed immediately through the coordination process when the BLM begins an EA or EIS, so the local government can participate as a full partner on each project/undertaking.

Elevate and respect the local governments' coordinating agency roles in EIS development.

Enforcing current rules on coordination

Input: Revise the rules to clearly state that FLPMA requires BLM to coordinate and consult with all State and local government agencies. Bolster and clarify formal coordination protocols with state and local governments that describe in detail the process for coordination at every stage of the planning and decision processes, especially how to address inconsistencies with state and local land use plans, policies, programs, proposals and laws.

Clarify BLM policy and guidance to better note that the BLM owes the duties under FLPMA Section 202(c)(9) to State and local governments and Tribes, but not to other non-governmental stakeholders, and needs to establish a clear process for how State and local governments and Tribes can learn of and exercise their rights under Section 202(c)(9).

Ensure existing laws and regulations mandating coordination, cooperation, and consistency with state and local land use plans, policies, and programs be fully implemented. Existing laws and regulations are broad enough that reforms can occur without new regulations or statutory reforms, in most cases. If

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BLM fulfilled its duties to be a partner and not just a neighbor with Tribes, States, and local governments, more progress would be made in developing and implementing BLM plans.

Bolster coordination and consistency requirements so that they are not limited to development or amendments of RMPs, but to all management actions taken within the confines of these plans. Planning assessments and project development must include meaningful coordination before the public process begins to identify possible conflicts and inconsistencies early, and outline the process and framework to avoid unnecessary conflict and distrust later on.

Better county and local government coordination concurrent with State level involvement

Input: Allow and welcome county coordination with local BLM offices to participate in the inventory, designation, planning and management of all Federal lands in the county.

Recognize only State and county governments and Tribes as coordinating entities. Remember Commissioners represent the whole county. The process often gets hung up with the County Commissioner being listed as the only name on the Non-Disclosure. It takes weeks to get the agreement amended for staff to work on. Often, participation requires a team of staff who all need regular updates.

Allow counties to coordinate and participate in State to State conversations/decisions (e.g., State wildlife, Governor's office, and other counties).

Recognize that local officials have on-the-ground knowledge of the local issues and are dedicated to the long term productivity and protection of the land. Once they are meaningfully engaged in the planning process through coordination, solutions are achieved, consistency can be accomplished and the planning process will be quicker, less expensive and produce a better end product.

Comment responses

Most comments received by the BLM end up with the response "comment noted" or "this is not a substantive comment". This response process takes away from the time to edit the document using received comments. It is unclear if the documents are read for feedback or NEPA compliance report filing.

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Working example of successful collaboration

Input: Kathleen Clark from the public lands policy coordinating office has organized a multiple use-working group with participation from FLMA's, counties and other stakeholders. One county to county and has created a great relationship and worked toward common goals.

Proposals by Local Governments

Proposal by Garfield County, Colorado for Coordination between BLM and Local

Government

- Hold government-to-government meetings in compliance with State open meeting laws.
- Give early notice to State and local governments for all inventory, planning and management activities, prior to decisions being made.
- Have efforts to identify and resolve conflicts occur at the beginning of the process and continue throughout.
- Begin consistency review of local plans, policies and programs immediately.
- Give State and local governments 30-60 days, prior to public comment, to review inventory determinations, draft and final plans, and implementation actions, to ensure consistency between planning authorities is met. During this review time, work to resolve any remaining conflicts and, if necessary, submit a new copy of the document for public comment.
- Clearly state the position of the local government in every document released to the public for comment.
- Obtain a resolution from the local government as to whether the agency's plan or action is consistent with the local plans, policies and programs and included in the public document.
- If, after making every effort to resolve a conflict, the agency is unable to reach agreement with the Local government, the final document must explain the agency's reason for not reaching consistency.
- Implementing a coordination process that follows these principles would provide a path to identify problems and solutions early, bring together planning partners, and ultimately make better decisions.

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Proposal by White River and Douglas Creek Conservation Districts, Colorado

1. Define “Local Governments” as the administration of a particular town, county, or district, with representatives elected by those who live there.
2. Develop an on-going “workgroup” of local governments who are impacted by Federal land management within that BLM District’s boundaries.
3. This group should meet monthly, at a minimum, to discuss upcoming planning processes and have significant input into the development of the draft proposal (EA) before the drafting process is started.
4. The group should provide specific details and guidance in the development of the draft proposal and alternatives.
5. Once the original draft is crafted, the work-group review the first draft and provide recommendations for edits.
6. The draft is then edited to reflect those recommendations.
7. The draft then goes out for public comment for approximately 60 days.
8. Public comments are considered by the agency and the workgroup.
9. Finalized document is signed by the respective BLM Field Office Manager.

Proposal by Duchesne County, Utah

- Field Offices do a pretty good job at coordination. In our area, BLM, USFS, and other local federal agency reps meet with county officials monthly for breakfast and to discuss projects/issues of mutual interest.

Proposal by Mesa County Board of County Commissioners, Colorado:

- Follow the model of the FWS in 50 CFR Chapter IV “Revised Interagency Cooperative Policy Regarding the Role of State Agencies in Endangered Species Act Activities.
- A similar emphasis on coordination with State and local agencies throughout the process can help ensure that the RMPs are based on the best scientific and commercial data available.

Proposal by Eureka County, Nevada

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- Provide early notification (prior to public notice) to the State and local government of all actions or plans of BLM that will affect the local population;
- Provide opportunity for meaningful input by the State and local government with substantial weight and meaning applied by the BLM to the input;
- Be apprised of the State and local government policies and plans;
- Solicit State and local government interpretation of these policies and plans;
- Adequately consider the State and local government plans, policies, laws, proposals, and programs when working on BLM policies, plans, or management actions;
- Make BLM policies, plans, or actions consistent with the State and local government plans (including proposed plans), policies, laws, proposals, and programs during, not after, the planning process;
- Meet with state and local governments, when inconsistencies arise, in order to work towards consistency;
- Specifically justify and explain in the document of analysis (i.e., EIS) why consistency could not be reached and steps to strive for consistency moving forward.
- Empower and direct State and local BLM offices to enter into formal coordination agreements outlining the details of coordination along every step of BLM planning and management processes.

Consistency with Local plans

Input: Properly coordinate and work to reach consistency with local government plans. This will allow the BLM to incorporate these solutions and speed up the Federal process. FLPMA prescribes that LUPs and NEPA documents are consistent with local government plans.

Coordination requires accountability. In the Cooperating Agency process there is no requirement that the BLM be consistent with county plans or accept county plans, and there is no requirement for the agency to explain why it is not consistent with county plans. FLPMA requires the BLM to keep apprised of local plans, policies, and programs, to consider these during its inventory, planning and management activities, work to resolve conflicts between planning positions, meaningfully involve the local

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governments in its process, and ultimately achieve consistency between plans. FLPMA requires the BLM to provide good reasons why it cannot be consistent with local plans.

Find a means and processes for ensuring the BLM's plans programs and policies are consistent to the maximum extent with State laws, policies and programs. The BLM needs to do a better job identifying to the State and the public areas where consistency is lacking.

Early involvement of local governments and Tribes will allow the opportunity for these entities to help develop proposals that would be consistent or more consistent with local plans.

Refocus on the BLM's FLPMA-mandated mission of multiple use and sustained yield while coordinating its plans with the plans, policies, and programs of State and local governments. The BLM has shifted away from a multiple-use model to a limited use and preservation model in certain areas of Utah and the west. NEPA does not mandate the most environmentally friendly or restrictive approach; instead, it only requires the BLM to work with governments, stakeholders, and the interested public to take a hard look at the alternatives, evaluate the potential decision, then make a decision that complies with FLPMA to continue the multiple use and sustained yield mission.

Decisions at local level

Input: Authorize local BLM officials to make decisions that will resolve conflicts, limiting the decisions that must be reviewed by the State or Washington D.C. office. Review at the WO level takes too long and delays the NEPA process.

Follow the coordination process as described by FLPMA; that would create local based decisions, instead of decisions directed from Washington D.C. and authorize local BLM officials to make decisions at the local level. The BLM Planning processes would be more efficient and effective as local BLM officials are empowered by giving them the flexibility and authority to work with local officials in a cooperative manner and find solutions unencumbered by Washington D.C. bureaucracy.

Empower local and State managers to authorize decisions that permit wise use of the land within the limits of the law.

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BLM functioned for many years without land use plans, relying on Washington Office and State Office policies to guide State and District Managers, who worked closely with local interests to manage according to these policies.

Recognize the difference between county and local governments. BLM needs a more coordinated approach to analyses using local area manager expertise and local government input. Local BLM employees have a greater understanding of local conditions, customs, and economic impacts of BLM management.

Ask local area managers what would be helpful to them.

Allow BLM employees to have discretion to make quick planning decisions to address problems in an ever-changing landscape. Failure to empower local employees often results in actions that are a “day too late” to make a difference or improve conditions.

Handbooks and Manuals

Input: Include direction in BLM handbooks, manuals, guidance, and training that local governments are to be informed immediately when the BLM begins a new NEPA document (EA or EIS).

Provide detailed instruction in the BLM Planning handbook on how to carry out the “coordination” process, which is required by statute. The current BLM Planning Handbook has detailed direction on how to implement the Cooperating Agency process with States and local governments. It also contains an appendix on how to implement the “collaboration” process with stakeholders.

Require consultation with State and local governments in each section. Very few sections specify that there is to be “notice, consultation and hearings” involving local government.

Amend the planning handbook to define “cooperating agency” to follow the intent of FLPMA as closely as possible BLM coordination with State and local elected officials is critically important to effective management and is required under FLPMA.

Duchesne County, Utah

Amend the land use planning handbook as follows:

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- Appx A, Sec I B, p. 1: Give more weight to local interests as opposed to regional or national "distant interests."
- Appx C, Sec I D, p. 5: Require consultation with county government regarding special status species decisions.
- Appx C, Sec I E, p. 6, (1st para): Require consideration of local plans before identifying desired outcomes associated with Fish and Wildlife.
- Appx C, Sec I F, p. 8: Require consultation with counties and consideration of local plans during planning and implementation for management of wild horses and burros.
- Appx C: : Require consultation with counties and consideration of local plans during planning associated with:
 - Sec I G, p. 10: cultural resource evaluations.
 - Sec I H, p. 10: paleontological resources.
 - Sec I I, p. 11: visual resources.
 - Sec I K, p. 12: wilderness characteristics.
 - Sec II A, p. 14: forestry.
 - Sec II B, p. 15: proposed decisions on grazing.
 - Sec II C, p. 17: proposed decisions on recreation and visitor services, including SRMAs.
 - Sec II D, p. 20: proposed decisions on comprehensive trails and travel management.
 - Sec II H, p. 24: proposed decisions on Fluid Minerals (Oil & Gas, Tar Sands & Geothermal Resources).
 - Sec II I, p. 25: proposed decisions on Locatable Minerals.
 - Sec II J, p. 26: proposed decisions on Mineral Materials.
 - Sec II K, p. 26: proposed decisions on Non-Energy Leasable Materials.
 - Sec III A, p. 27: development of site-specific implementation actions and plans for special designations such as National Monuments, National Conservation Areas, National Recreation

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Areas, Cooperative Management and Protection Areas, Outstanding Natural Areas, Forest Reserves and National Scenic or Historic Trails.

- o Sec III B, p. 28: development of site specific implementation actions and plans for special designations such as WSAs, Wild & Scenic Rivers, ACECs, Research Natural Areas, Scenic or Back Country Byways and Wildlife Viewing Areas.
- Appx D, Table D-2, Economic Value Section: Put more emphasis on economic values that can be measured based on data and facts, and less emphasis on economic values that are measured subjectively. For example, the economic value of open space or improved wildlife habitat will vary from person to person. However, the value of resources developed from Federal lands can be objectively quantified. Too often in the past, Federal Agencies have used inflated, subjective values of ecosystem services to justify the denial of multiple use and sustained yield of resources from federal lands.

Socioeconomic analyses

Input: Ensure that consultation with local governments/cooperating agencies includes custom, culture, and mitigation measures related to BLM actions.

Conduct additional outreach with state and local governments to discuss the best formula for addressing socio-economics and ensure changes to this part of the process are efficient and meaningful.

Engagement

Input: Ensure more effective engagement with local partners, less closed-door discussions within BLM.

Rebuild trust by showing county and state officials that the BLM values their comments and is truly striving to make BLM plans consistent with local plans. Planning 2.0 process damaged trust levels

Success and failures with BLM are built upon the foundation, or lack of foundation, of open communication and meeting frequently to dialogue towards and reach mutually beneficial decisions.

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Develop a truly transparent process for planning and NEPA that involves local agencies and local BLM administration to foster a more streamlined process that encourages partnership and mutual benefit, not just BLM's priorities and considerations.

Create a greater community presence and integration at local activities, meetings, boards, etc. in order to obtain a clear understanding of the needs of state and local governments, tribal partners, and other stakeholders.

Ensure that planning areas and Field Office boundaries correspond to county borders. BLM officials can then more effectively develop relationships of trust with county commissioners and other local leaders; forming these positive relationships is more difficult when BLM Field Offices do not follow county borders (e.g., Pinal County, AZ, must interact with 3 different Field Offices).

Make block grants available to rural States, counties, Tribes and grazing boards to alleviate budgetary restrictions preventing them from actively participating in the planning process.

Communication

Input: Ensure that Field Offices keep in close contact via mail, email, and phone with local government officials and solicit their comments on plans and projects. BLM staff need to respond timely (phone and email) to local governments. It is not uncommon for county staff to have to follow up on requests 3-4 times after the initial request/question.

Improve communication with local governments. As an example, the notification for this input opportunity was not sent directly to some counties; they were notified by other stakeholders.

Bolster transparency by proactively communicating NEPA processes and any schedule changes through local Field Office channels, so residents and entities within the region are aware of pending actions, impacts, and opportunities to comment.

Provide a single point of contact for state and local governments to work with on a NEPA or other planning effort. Counties are sometimes constantly transferred from one department, region, state

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office, etc. to get information and responses to questions. The counties sometimes get conflicting information and multiple requests for duplicative information.

Meet annually with State and local governments to identify areas of concern, prioritize planning decisions, and review past decisions. An annual coordination meeting before BLM begins any work plans or budget requests would foster good neighbors, be better in-line with CEQ guidance, and ensure State and local governments learn about planning documents early.

Continue Secretary Zinke's "Build the Trust" efforts and consider a roundtable style meeting in each public land state that invites representatives of various multiple uses.

Improve consistency with messaging and information from Field Offices and what is available on the BLM website. For example, county staff were told to "ignore" information on the BLM website related to R&PP applications.

Better Communication (specifically to the Streamlining NEPA initiative)

Input: Coordination should have been pursued with local governments no later than one week when the Streamlining NEPA outreach took place. County governments are frustrated that it took 30 days into the process after Zinke's memo to reach out to the counties and with the expectations for the review of a large amount of material. The counties feel like the process has been setup to fail.

Section 4.2, Consistency

State/Local and Tribal Government Input

Consistency

Governors' Consistency review timing

Input: Provide sufficient time for completion of the Governors' Consistency Reviews, especially when agency plans affect multiple planning areas or resources.

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Maintain the existing appeals process and associated timelines for the Governors’ Consistency Reviews. Also, in addition to officially adopted State land use plans, Governors’ Consistency Reviews should be applied to State policies, programs, and processes, as well as various types of State or local plans (e.g. State Wildlife Action Plans, conservation district plans, county plans) and multi-State agreements Governors should have discretion to determine which State plans are pertinent to the review.

Appeals

Input: Maintain existing timeframes, and ensure that Governors retain a right to appeal any rejection of recommendations resulting from a Governors’ Consistency Review.

Consistency with Local resource management plans

Input: Adopt policies specifically directing the development of documents that incorporate and are consistent with County Resource Management Plans. Better define “to the maximum extent” in the FLPMA requirement that BLM make its plans consistent with local resource management plans “to the maximum extent” the BLM finds consistent with Federal law. When counties have a comprehensive County Resource Management Plan, that plan should be recognized and used as the primary basis for the BLM preferred alternative, unless Federal law dictates otherwise. Provide an opportunity for local governments to conduct a consistency review similar to the Governor’s Consistency review, or allow them to participate in the review. For example the first 30 days of the 60 day review period could be provided for local governments to review the plan.

Cooperating Agencies

Input: Share documents with Cooperating Agencies as they are developed to identify inconsistencies with local plan area, as well as to facilitate more transparency.

Roles of State and Local Governments

Input: Keep in mind while coordinating with State and local governments that they are responsible for protecting the health, safety, and welfare of their citizens, and the BLM’s responsibility to manage federal lands should not outweigh that. This distinction needs to be considered when determining

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consistency. State and local governments should have a seat at the table to ensure consistency. There should be constant communication between local governments so that there is an understanding of local plans.

Resolving Inconsistencies

Input: Begin a consistency review of local plans immediately in order to identify and resolve conflicts early in the process, and should continue throughout the planning process. If consistency with plans cannot be accomplished, the final document should identify conflicts and explain why consistency could not be achieved. The BLM should invite a range of participants to resolve inconsistencies, including contractors and counties.

Section 4.3, Memorandums of Understanding (MOUs)

State/Local and Tribal Government Input

Content of MOUs

Input: Formalize expectations inherent in the cooperating agency relationship via MOU, and provide model MOUs. The Wyoming County Commissioners Association provided recommended revisions to an existing generic MOU between the BLM Wyoming and Wyoming's counties.

Input: Modify current MOUs and Non-Disclosure Agreements being utilized so that they are compatible with the Nevada Open meeting Law, leading to a more transparent process.

Coordination

Input: Enter into binding Memorandum of Agreement (MOA) or another type of coordination agreements to carry out the mandatory coordination duties in Section 202(c)(9) of FLPMA. These would establish designated points of contact and mutually understood duties to coordinate and consult in advance of proposed BLM land use plans, land management, and other BLM decisions affecting non-Federal lands. This would provide a forum to be transparent and open on local BLM internal strategies,

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plans, goals, etc., and allow for coordination with local governments during the development of State, District, or Field Office priorities.

Input: There should be efforts to bolster and clarify formal coordination protocols with state and local governments that include and describe in detail the process for coordination at every stage of the agency planning and decision processes.

Wildlife Management

Input: Ensure that land use planning policy includes specific direction that the BLM use existing overarching MOUs and other agreements with local governments for wildlife management activities within areas of special designation. If a land use plan may impact local governments' ability to carry out wildlife management activities, that must be disclosed and analyzed in the environmental review process.

Section 4.4, FLPMA

State/Local and Tribal Government Input

Input: Ensure that coordination under FLPMA includes State agencies who manage State trust assets. Cooperating agency status does not meet this requirement.

Section 4.5, State and Local Govts. As Cooperating Agencies

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State/Local and Tribal Government Input

Timing for Initiation of Cooperating Agency Relationship

Input: Contact affected State and local governments to invite them to be cooperating or joint lead agencies as soon as it determines a planning project is needed. Improving MOUs with cooperating agencies and initiating the relationship early in the process to include cooperating agencies in scoping will improve focus and coordination with State and local governments. Cooperating agencies should be given an opportunity to participate in implementation and amendment to land use plans.

Reimbursement for Local Governments

Input: Find ways to support rural local governments, such as a capacity assistance program, if the local governments do not have the capacity to fully engage as cooperating agencies, the BLM should find ways to support local governments, such as a capacity assistance program.

Contracting with Cooperating Agencies

Input: Reach out to eligible State and local governments and consider using their environmental analysis, or contract with State or local entities, to provide all or part of the planning analysis. Hire local governments to complete socioeconomic analysis.

Definition of Cooperating Agencies

Input: Define “Cooperating Agency” in the Planning Handbook to mirror the intent of FLPMA, based on 43 CFR 46.230. This should include a commitment to coordinate with Cooperating Agencies to the fullest extent possible concerning issues relating to their jurisdiction and special expertise. Regulations limiting participation by Cooperating Agencies to instances when “feasible and appropriate,” as proposed in Planning 2.0, should not be used. Once cooperating agency status is established, it should go beyond project specific comments or participation. State and local governments and Tribes join the citizens of a planning area as the primary groups that are impacted by BLM planning decisions, and so should be able to participate in the planning process as a Cooperating Agency, regardless of expertise.

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Relationship to Interdisciplinary Teams and participation in the process

Input: Treat Cooperating Agencies, including counties, as full members of the interdisciplinary team, which includes providing full access to all information, data, and analysis at the same time it is provided to other members of the interdisciplinary teams. One recommendation specifically requested this for wildlife management, resources, and recreation. Use open access technology so that cooperating agencies have access to the information and ongoing analysis being used in the preparation of the document. NGOs should not be given “Cooperating Agency” status with opportunities for early participation in the process, as it diminishes the role of counties as Cooperating Agencies.

Participation in the Planning Process

Input: Provide Cooperating Agencies the opportunity to participate in “kick off” meetings, baseline data collection and report development, provide input into alternatives and other part of document development. Exchange review documents as soon as possible, even if those documents are not complete. Cooperating Agencies should be provided an opportunity to review the final EA or EIS prior to the Decision Record or Record of Decision being issued, concurrent with the Governor’s Consistency Review.

Review Periods

Input: Provide longer review time on draft and final documents. Current windows make it difficult to fully digest documents and understand where the BLM’s analysis should be modified.

Relationship to Coordination Responsibilities

Input: Include consistency review as a part of coordination, as it is not always achieved through cooperating agency status.

Priority of Cooperating Agency Project

Input: Expedite and prioritize projects where local governments are attempting to partner with the BLM to take over some of the land management responsibilities, such as Cooperative Recreation Management Agreements.

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Cooperating Agency Guidance

Input: Develop guidelines for cooperating agency relationships collaboratively and with State concurrence. Separate Cooperating Agency comment from the general public comment and develop a method to discuss in person each Cooperating Agency's comments and needs. This meeting should be before comment responses are made and/or changes to planning or NEPA documents are made. Engagement could continue after DEIS is released, with the creation of a review period between the DEIS and FEIS.

Public Rangelands Improvement Act of 1978

Input: Use the Section 8 review process provided in this law, emphasizing the importance of using expert review and overview of a contested project.

Nondisclosure Agreements

Input: Explore opportunities to resolve inconsistencies between BLM's nondisclosure requirements and State open records or meeting laws. If legally permissible, instead of a Nondisclosure Agreement, the BLM should require a signed statement that information will not be released outside of the Agency (i.e. no "bad faith" sharing) if it is not necessary to represent the county's interest.

Public Input

Local and State cooperating agencies

Input: Extend the same working relationship towards local and State governments and Tribes that cooperating Federal agencies use.

Section 4.6, Tribal Govt. to Govt. Consultation

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State/Local and Tribal Government Input

Value of Consultation

Input: Recognize that the planning and environmental review processes are essential components of BLM’s duty to identify, evaluate, and propose alternatives to any proposed action with the potential to impact Tribal lands or resources, and consult with Tribal stakeholders. Those duties cannot be limited or ignored to increase the “efficiency” of project development. Tailor consultation to meet the needs of each individual Tribe. Build on examples of good consultation. For example, the Southern Ute Indian Tribal Council felt that the interaction with the Tres Rios Field Office should be replicated by other offices.

Timing of Consultation

Input: Provide adequate time when setting deadlines, and be responsive to requests for information. Give the Tribes as much advanced warning as possible of impending processes and make sure they have an opportunity to be at the table early on. To do this, the BLM must know the Tribe/Nations area of interests/concerns in order to engage with them early when potential impacts to those interests/concerns are on the horizon. For example, one of the biggest concern is Ancestral remains and archaeological reports, which help Tribes with their history, so the BLM needs to notify Tribes as soon as possible with regard to these issues.

Begin consultation early in the process, during the brainstorming stage, and continue through all phases of the planning and implementation of the proposed action. Coordinate timing for field work with Tribal governments, especially when doing work that may affect subsistence hunting seasons. Hold regular meetings with all Tribes the BLM works with, and inform Tribes when NEPA related policies or procedures change. Participate in quarterly meetings as well as quarterly updates on all projects. The BLM must go beyond just inviting tribes to submit comments on projects under consideration by BLM; according to 36 C.F.R. 800.(f), BLM must also seek agreement with them when feasible.

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Consultation across BLM Jurisdictions/Ancestral Lands

Input: Address inconsistencies with how different offices interact with Tribes, especially where a Tribe's ancestral lands extend across BLM boundaries into different States.

Staffing of Consultation

Input: Provide Tribes with a single point of contact to provide information on NEPA processes for a region or area. Engagement should be at all levels of the BLM, both resource staff and management.

Deference to Tribal Regulations

Input: Review existing Federal, State, and especially Tribal regulatory schemes in place and defer to those regulations where appropriate.

Participation in the Planning Process

Input: Include local government and Tribal representatives in agency ID team meetings. Include Tribes early in the process, and request a knowledgeable representative to participate. Opportunities to review and comment on stakeholder drafts should be included as part of the consultation process.

Input: Land Use Planning should incorporate the use that the Pueblos, through cultural resources, already make of the land before entertaining permit applications or lease approvals for other uses. It should be required that applicant establish that it has proposed to the Tribes and attempted to schedule a consultation all as part of the application process.

Acoma Model

The Pueblo developed the Acoma Model for projects on Acoma lands, but it has been used successfully for projects where Acoma has cultural landscapes and sites located outside the Pueblo lands. Consider the use of this model to implement a Class III cultural resources survey, including Traditional Cultural Properties ("TCP"). TCP requires expertise that is only within the living community; not within the larger national community, or the professional CRM community. The Acome process puts Acoma cultural practitioners into the field with the outside

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entities at the start, preventing extensive subsequent procedures concerning avoidance and mitigation. BLM needs to consider the use of tribal ethnographic assessment teams within the Pueblo to identify Acoma traditional cultural properties.

ACHP's Recommendations

Input: Incorporate recommendations from the following ACHP reports into the planning and NEPA process: “Recommendations for Improving Tribal-Federal Consultation” (Sept. 14, 2015), “Tribal Consultation In Infrastructure Projects” (May 24, 2017), as well as the Department of Interior (DOI), Department of Justice, and US Army Corps of Engineers report, “Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions” (Jan. 18, 2017).

Adequate Protection of Treaty Rights

Input: Streamlining efforts must not bypass environmental protections of any lands, in particular public or Tribal, to allow actions that could have deleterious effects to Tribal hunting and fishing rights guaranteed by Treaty.

Public Input

More traditional outreach methods

Input: Conduct more outreach by phone, mail, and in person for Tribal communities in remote and isolated areas where internet/electronic communication methods are sparse and non-existent.

Section 4.7, Self-Governance and Tribal Sovereignty

State/Local and Tribal Government Input

ANCSA Corporations

Input: Allow for self-regulation of environmental impacts to the lands of ANCSA Corporations (Alaska). Broadening mitigation requirements to include impacts to air, public health, birds, fish,

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terrestrial mammals, polar bears, spectacled eiders, cultural resources, and visual resources within the National Petroleum Reserve-Alaska (NPR-A) will increase the burden placed on ANCSA Corporations when managing their land. Consider this impact and consider strategies to avoid negative impacts to ANCSA Corporations in their land management strategies.

NEPA Review of Tribal Decisions

Input: Do not apply NEPA to Tribal land use decisions. Because Tribal land use decisions cannot be implemented without Federal involvement, applying NEPA to these decisions creates costs to decisions that may erase meaningful economic opportunities for Tribes because non-Indian lands do not have the same review requirements. Applying NEPA to Tribal land use decisions also fails to account for aboriginal and treaty rights. NEPA also subjects projects on Tribal land to non-Tribal, non-neighbor public comment, which slows down the environmental review process and requires significant Federal resources to respond to public comments.

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Section 5, Improving NEPA

State/Local and Tribal Government Input

Consistent, streamlined documents

Input: Congress should direct Federal agencies to build consistency in environmental analysis and bring agency practice in conducting EAs more in line with the administrative policy intent of streamlined, summary documents.

Understandable documents

Input: Eliminate all legal terminology from documents. All NEPA-related documents should be condensed for all to read and understand. Supplemental legal treatise can be included, but it should not be necessary to submit comments.

Cooperators

Input: Enhance coordination and consultation with cooperating entities. Involve cooperators in a pre-scoping process and all decision-making meetings.

Change policies

Input: Review and possibly remove recently promulgated policies that increase the time and complexity of certain NEPA processes (e.g., IM 2017-36 Considering Backcountry Conservation Management in Land Use Planning Efforts and PIM 2017-003 The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews).

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Section 5.1, Significance

State/Local and Tribal Government Input

Significance factors

Input: Do not fill in gaps in regulations on providing for management or planning around a resource with manufactured concepts in policy, such as "wilderness character".

Significance thresholds

Input: Clarify agency guidance in regards to significance thresholds and extraordinary circumstances language based on best practices, and provide consistent approaches. The BLM must be empowered to analyze those actions that truly may have a significant impact.

Prepare more EISs

Input: Prepare EISs to help minimize litigation issues.

Prepare more EAs

Input: Employ better use of EAs rather than EISs.

Public Input

Non-present/unaffected resources

Input: Put much less emphasis on "negative" analysis in NEPA documents, meaning extensive explanations of why specific resources or issues are not present or would not be affected by the proposed action.

Input: Analysis should focus only on resources where significant impacts might occur.

Oil and gas/Permitting and leasing

Input: Do not analyze oil and gas leasing until specific proposals are received.

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Input: Use the Limits of Acceptable Change model in RMP's to provide a gauge as to when additional NEPA would be required for new or renewed permitted activities. Renew permits that have been ongoing and do not present significant impacts without new NEPA analysis.

Section 5.2, Decision-making

State/Local and Tribal Government Input

Decision-making at State and Field Office level

Input: Provide for more decision-making at the Field/State BLM offices rather than centralizing those decisions to DC. State directors need to be given responsibility for RMPs and independent authority to respond to issues that are unique to individual States. Reduce elevating decision-making to D.C. and guard against national lobbying efforts that would override local needs, especially for national groups that may not operate within the affected State. Decisions should be made by BLM employees who are closest to the ground and therefore have the greatest understanding of who their decisions will impact, the affected environment, and the surrounding socio-economic conditions. The farther up past the Field and District Office in the BLM (or DOI) these responsibilities lie, the more likely an RMP will lose the on-the-ground expertise and local participation.

RMPs at Field Office or District Office level

Input: Make the Field Office or District Office the default planning area for RMPs, rather than landscape-scale planning. Data used for planning decisions at large landscape scales is often insufficient to provide accurate impact analysis.

Elevate decision-making only if there are disputes

Input: Provide local offices the authority to make decisions. If there is a dispute between the local government and the local BLM office, the matter could be elevated to the BLM State Director. If there are no agreements, the BLM Director should have the final authority to adjudicate the matter.

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Public Input

Recreation

Input: Have a transparent decision-making process in regards to impacts of alternatives on existing, legitimate, historic and popular recreational activities.

Local Decision Making Authority

Input: Make planning regulations at the State levels with built in flexibility to meet the individual State and county situations, instead of at the Washington level.

Allow for flexibility for local Field Managers to make decisions without the input of the Washington or District offices.

Decision Making Transparency

Input: Have decision making processes demonstrate to the public that a balanced, impartial approach is being used.

Justify BLM actions and analyses by saying and showing why certain decisions are being made.

Section 5.3, Adoption of non-Federal NEPA documents

State/Local and Tribal Government Input

Input: Consider modifying NEPA regulations to allow the BLM to adopt state environmental documents for similar or related actions. This would avoid duplicative analyses, additional delays, and costs.

Local approaches to conservation

Input: Allow communities to develop local innovative ways to achieve mutual goals for landscape-level ecological restoration. Pool local controls, expertise, and resources and provide the flexibility necessary to adapt and improve efforts where they fail or could do better. Use the Bi-State Action Plan as a model for conservation goals.

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Section 5.4, Cumulative effects

Public Input

Adaptive Management

Input: Use adaptive management to prepare for unforeseen future events.

Historical Usage

Input: Assume that the historical usage of an area will be continued unless a credible scientific basis/quantifiable social trends can be provided to prove otherwise.

Section 5.5, Timelines

State/Local and Tribal Government Input

Timelines for completion of NEPA documents

Input: Reduce permitting and review time for projects to three years, without sacrificing protections for wildlife, natural resources or environmental resources. Comply with statutory timelines. For example, BLM is required by law to review oil & gas permit applications within 30 days, but the current average is over 200 days. Expedite local government R&PP applications for BLM “disposal” properties. Require a one-year maximum time frame for completion of NEPA documents for RMPs and RMP amendments. (Alternatively: require completion of a Draft EIS within two years and a Final EIS within three years). The longer the process takes, the more likely that data will become obsolete.

Limit internal review timelines

Input: Commit to expeditious and efficient internal reviews of documents to avoid delays, rather than reducing the comment periods for the public and Cooperating Agencies. The biggest delays are caused by extended internal reviews by the BLM, particularly at the State and National levels.

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Set timelines for Federal agency reviews

Input: Limit Federal agency reviews of environmental assessments to 30 days.

Retain or extend existing timeframes for comment

Input: Ensure that the BLM planning process and environmental reviews allow for formal comment periods that provide adequate time to analyze and gather meaningful review and feedback. The constant request by local and state governments for extensions is indicative of the need to maintain or increase comments periods. Any process that reduces BLM’s responsibility to actively inform the public of its actions represents a retreat from openness and transparency. Reducing comment periods may appear to reduce the process timeline, but more often leads to additional conflicts, appeals, objections, and litigation, delaying the overall process and implementation of decisions. The amount of time for comment periods should be commensurate with the size of a document. 90 days is usually not adequate for a 1,000+ page RMP/EIS.

Make sure to address concerns from Tribal governments about any shrinking of opportunities to communicate with the BLM on projects, for example, shorter comment periods or fewer updates, given that NEPA review periods are an opportunity for Tribes to decide when they want government-to-government consultation. Commenter asks that BLM looks into CRIT Tribal Council Government-to-Government Consultation Policy as it provides a roadmap to develop an ongoing, mutually beneficial relationship between federal agencies and Tribal Council. Tribes such as CRIT have voiced that they feel BLM is ignoring their input in “consultation” meetings, and they would like further acknowledgement of the needs of tribes.

Limit timelines for comment period

Input: Limit public comment periods to the number appropriate to the issues or level of controversy. Do not extend comment periods to allow opponents to delay a decision which will likely be appealed regardless of the comment periods.

Project management

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Input: Develop metrics for successful outcomes including cost and time performance indicators. Provide project timeline guides such as a Gantt chart, timeline, or flowchart of each step of the process with dates for each meeting and milestone. Within three months of closing the scoping period, the BLM should publish a schedule outlining the steps required to complete the project. The schedule should be electronically posted, made publicly available, and updated quarterly. Publish the expected cost of the studies and time frames prior to taking action.

Public Input**Environmental Assessments**

Input: The Secretary or Director must prescribe that time limits will be determined at the start of the NEPA process, and time limits adhere to the 3-month EA and 12-month EIS expected timelines described in CEQ guidelines.

Input: Adhere to the CEQ's Guidelines concerning EA review periods, which States that EAs should be completed within three months.

Input periods

Input: Fix the public comment period for environmental assessments (not EIS's) to no more than 30 days.

RMPS and Revisions

Input: Clearly identify new issues, resources, or scientific findings that arose after the existing RMP was adopted when starting a RMP revision process.

Input: Keep RMP revisions every fifteen years to better utilize staff time.

Input: Have a new LUP process be developed that is limited to 150 pages and takes only a year to develop.

Input: Try to stick to the following timeframes for working on RMP documents:

- 6 to 12 months for a project-level amendment

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- 18 to 24 months for a multiple issue amendment
- 2 to 4 years for a programmatic amendment that amends multiple plans
- 3 to 5 years for a full plan revision

RMP Input periods

Input: Extend comment periods for Draft RMPs to 100 days, and reduce amendment comment periods to 60 days.

Third party environmental information

Input: Accept submittals of environmental information prepared by third parties at the request of an applicant where this meets the requirements of 40 C.F.R. § 1506.5), in order to expedite environmental reviews required for permit issuance.

Oil and gas

Input: Prioritize timely completion of oil and gas leasing and permitting decisions, and reorganize BLM staff and other resources accordingly.

Long-lasting documents

Input: Quality, not speed, must be the goal. Developing high-quality documents that remain relevant for long periods of time is more important than developing documents quickly.

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Section 5.6, Page Limits

State/Local and Tribal Government Input

Set page limits for planning and NEPA documents

Input: Limit RMPs to 50 pages and environmental assessments to 15 pages. (Alternatively, use limits in CEQ regulations: limit EISs normally to 150 pages or 300 pages for proposals of unusual scope or complexity).

Do not set page limits for NEPA documents

Input: Match the size of the NEPA analysis to the size of the project. One size does not fit all.

Section 5.7, Local Issue Analysis

State/Local and Tribal Government Input

Focus on local effects

Input: Improve the analysis for RMPs of effects to State and local governments and communities. Local governments, communities, economies, customs, and culture are most impacted by changes in Federal land management. Assessing impacts at the local level is necessary and appropriate and should be required.

Focus on socio-economic analysis

Input: Provide greater consideration of socio-economic effects on rural communities.

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Focus on micro-economic analysis

Input: Micro-economics are important to distinguish and discuss for local governments.

Non-market value analysis

Input: Keep analysis of non-market values realistic. Do not accept subjective and over-estimated economic values of ecological functions over objectively measurable economic values of resource development.

Public Input

Regional vs. Local planning

Input: Ensure that regional planning targets regional issues to streamline more localized planning, and avoid issues beyond the scope of regional planning. In other words, regional planning can streamline local planning, but not serve as a replacement for it.

NEPA analysis on lands not designated for closure

Input: Do not perform any NEPA analysis on lands in the planning process undesignated to be closed until either BLM or the public has an application to use the lands.

Small mine projects

Input: Do not overly burden small mine projects with paperwork and long timelines, to the extent large mining operations are, so they can better contribute to local economies.

Actual use

Input: Management of public land must reflect the actual uses by visitors.

Historical use

Input: Assume historical uses of any area would continue unless scientific basis can be provided to rebut the presumption.

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Known existing information

Input: Collect known existing information about a planning area before initiating decisions about resource allocations.

Transference of unneeded land to Local counties

Input: Transfer lands to the local county if they are (1) not regenerating income (grazing, mineral leases, etc.) or (2) providing a significant benefit to big game, or rare species (plant/wildlife) or (3) the location of cultural resources. As an example, there are quite a few isolated small squares (1/4 mile on each side) of BLM managed land in western Colorado. These squares are often inaccessible to the public because they are completely surrounded by private property.

Section 5.8, Mitigation

State/Local and Tribal Government Input

Develop mitigation with the Governor

Input: Develop mitigation requirements and processes that may affect State and private land in cooperation with the Governors in whose States BLM lands are situated.

Mitigation manual

Input: Revise the Mitigation Manual MS-1794 to reflect the most recent Withdrawal of the Administration's prior opinion on "Net Conservation Gain" standards for mitigation under M-3704, "Withdrawal of M-37039, "The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations Through Mitigation," (June 30, 2017).

Public Input

Equal mitigation for all resources

Input: Ensure that any non-oil and gas actions being permitted on public lands are given the same amount of treatment and mitigation measures as oil and gas leasing under NEPA.

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Section 6, Use of Categorical Exclusions

Section 6.1, Existing BLM CXs

State/Local and Tribal Government Input

Vegetative treatments to reduce risk of wildfire

Input: Amend the existing categorical exclusion (CX) for vegetative treatments less than 1,000 acres (Handbook, App. 3, 1.12 at 146) and/or the CX for vegetative treatments during ongoing wildfire events in order to provide permission to BLM land managers and fire staff, working with appropriate state agencies, to undertake proactive wildfire-related, risk abatement measures in extraordinary circumstances that are not necessarily constrained by acreage caps, treatment types, or left-in-place mitigation measures.

Input: Exclusions should be limited, and should not be applied to large, impactful planning processes. Over-use of CX's will result in more challenges.

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Section 6.2, New CXs

State/Local and Tribal Government Input

Consider new CXs

Input: Expand CXs to include actions that are frequently approved and found to have little or no environmental impact.

Input: Consider the use of CX's as an expedient means to apply resource treatments where needed. An example of this could be in the case of wildfires or flooding there may be a need to access ACEC's or wilderness areas to fend off fire movement, protect sage grouse habitat, or move livestock to pastures not scheduled for grazing.

CX for Vegetative treatments to reduce risk of wildfire

Input: Create a new CX to provide permission to BLM land managers and fire staff, working with appropriate state agencies, to undertake proactive wildfire-related, risk abatement measures in extraordinary circumstances that are not necessarily constrained by acreage caps, treatment types, or left-in-place circumstances.

Input: Emergency post wildfire seeding for watershed protection and hitting the critical planting window should warrant the use of a CX.

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Input: Establish a CX for moving cattle to non-used pastures as a fuels management measure, and emergency post-fire seeding for watershed protection and erosion controls that hit the critical planting windows.

Range Improvement CX

Input: Create a new CX for range improvements, similar to wildlife habitat improvement project CXs, consistent with ecological site descriptions and rangeland health.

Grazing Permit Renewals

Input: Re-establish grazing allotment permit renewals as a categorical exclusion, as long as permittees are meeting land health standards.

Vegetative Improvement CX

Input: Create a new CX for vegetative improvements consistent with ecological site descriptions and rangeland health.

Statutory CX for landscape-scale restoration projects

Input: Create, through Congress, a limited and short-term CX under NEPA to expedite work in pilot landscape-scale restoration projects envisioned over geographies greater than 100,000 acres, while environmental analyses are being developed. These CXs should be available for use at the agency's discretion provided the analyses achieve defined progress milestones.

Statutory CX for restoration project

Input: Create, through Congress, a new NEPA restoration CX that is based on Agency decisions documented in a Decision Notice and FONSI over the past five years where no significant impacts to the environment occurred. Project activities could include commercial and noncommercial timber harvest, hazardous fuels removal projects, prescribed burning, post-fire restoration and herbicide use.

Temporary non-renewables

Develop streamlined Temporary Non-Renewables (TNR) for grazing of excess fine fuels, and invasive annual grasses outside of grazing permit dates, terms, and conditions.

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Public Input

Drilling Pads

Input: Utilize categorical exclusions for < 5 acre disturbances which include drilling pads.

Geothermal exploration and casual use

Input: Establish CXs for general geothermal exploration and Casual Use activities.

Small scale and common activity projects

Input: Work with CEQ to expand the list of available CXs (and statutory CXs) for small-scale projects, such as localized erosion control, noxious weed control, and fuel reduction projects.

Input: Consider more categorical exclusions for common activities.

Seasonal use of Categorical Exclusions for various actions

Input: Take into consideration whether season or size limitations would allow uses that currently do not fall within a Categorical Exclusion to fit within that category. For example, analyze whether an activity during the winter would fit within a CX even if it does not during spring or summer.

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Section 7, Targeted Planning Rule Changes

Section 7.1, Plan amendments process

Public Input

New Recreation activities

Input: Ensure that RMPs provide appropriate levels of documentation without requiring extensive amendments/NEPA for new recreation activities similar to existing authorized activities.

Alternatives

Input: The BLM should provide a description of the rationale for the differences in identified alternatives including (1) A description of how each alternative addresses the planning issues, consistent with the principles of multiple-use and sustained yield, or other applicable law (2) A description of management direction that is common to all alternatives. (3) A description of how management direction varies across alternatives to address the planning issues.

Input: BLM should provide preliminary alternatives to state and local governments, and to the public. The responsible official should identify the procedures, assumptions, and indicators that will be used to estimate the environmental, ecological, social, and economic effects of the alternatives considered in detail.

Including Implementation Plans

Include Implementation Plans as part of the Plan Amendment Development EIS. Doing so would reduce future litigation, and preserve the NEPA Process as all aspects of the plans will be implemented equally.

Section 7.2, Plan revision process

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State/Local and Tribal Government Input

Input: Conduct a review every 15 years to analyze the current circumstances and decide when the Plan is likely to need updating. Include adaptive management, so changes could be addressed as necessary by using the public processes. That will reduce LUP amendments from individual projects, preventing the process from being delayed. Also allow planning processes that are currently underway to continue without implementation of significant new or revised policy directives that have not been publicly-vetted.

If proposed RMP is measurably different than draft, re-release of draft RMP

Input: Revise planning regulations and handbook to require re-release of draft RMP for public review and comment when the proposed RMP is measurably different from the preferred alternative identified in the draft RMP. This re-release should occur regardless of whether the hybrid alternative's combined elements were within the draft alternatives. This 60-90 day review would be separate from the protest period. This is consistent with guidance in H-1601-1 Land Use Planning Handbook.

New special area designation

Input: Establish and release guidance materials that pertain to a new special area designation that is not listed in BLM H1601-1 Land Use Planning Handbook for public review and comment. Limit the proposals for special designations to only those resources and values that would not already be addressed under the general plan guidance.

BLM Alaska, Travel Management Guide

Input: Revise the BLM Alaska, Travel Management Guide to require that inventory and use data be available for RMP travel management decisions. Clarify that if travel management must be deferred to a step-down plan, that RMP decisions cannot place limits of future step-down planning decisions that take inventory and use data, not available for the RMP decisions, into consideration.

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Section 7.3, Plan maintenance

State/Local and Tribal Government Input

Public involvement prior to plan maintenance decisions

Input: Amend section 1610.5-4 [input cited the section 1610-6-5 of the revised regulations, which were rescinded] of the BLM’s planning regulations to allow the BLM to have discretionary dialogue and solicit feedback before making plan maintenance changes. The determination for public engagement would depend on the context of the potential maintenance action.

Higher level, less detailed planning

Input: Rely primarily on policy, which should provide direction in enough detail to guide managers and be nimble enough to respond to change. This will reduce the need for more detailed planning. A list of policies would help the public to very quickly understand BLM’s management direction.

Section 7.4, Areas of Critical Environmental Concern (ACECs)

State/Local and Tribal Government Input

Economic effects on State trust lands

Input: Avoid decisions during the planning process that will have negative economic impacts on State trust lands and assets. Isolated State trust lands or minerals are often surrounded by BLM-managed lands, so BLM decisions on these lands can affect the access to and activities on those lands. (e.g. an ACEC designation can render State trust assets worthless depending on the highest and best use of the State lands.) Keep in mind that an ACEC is the only administrative special designation authorized by FLPMA. Policy borne designations such as Lands with Wilderness Characteristics and Backcountry

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Conservation Areas introduce additional layers of bureaucracy to federal lands and complicate the planning process.

ACECs designated by RMPs

Input: Eliminate the designation of ACECs during the planning process, and let individual RMPs consider ACECs and balance them with other areas and uses. The Congressional multiple use standard required in FLPMA is violated by the inclusion of the ACEC process.

Nomination time period for ACECS

Input: Establish a specific nomination period for ACECs at the beginning of the planning process, and do not accept nominations after that timeframe has ended. Nominations received outside the planning process that are determined necessary and not addressed by management prescriptions identified in the current plan or other regulatory authorities can be considered in a plan amendment.

Do not reduce ACECs

Input: Maintain, and do not reduce, weaken the current ACEC designation as a tool for management. One of the goals and objectives of BLM's planning processes should be to maintain healthy wildlife populations within any permit area, and to use the current FLPMA language about "managing for sustained yields," to also mean managing for sustained watchable and harvestable wildlife, and the habitat needed to do so.

ACECs, ANILCA, and Alaska BLM

Input: Do not designate any more ACECs on Alaska BLM land. The "no more" clause in the Alaska National Interest Lands Conservation Act (ANILCA) is clear. Alaska BLM should not allowed to create de facto wilderness areas by designating additional ACECs. More than enough land (through various federal agencies) has been designated to responsibly protect the environment. Alaska BLM also needs to focus on developing our economy.

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Public Input

ACECs designated by RMPs

Input: Have ACECs only be created by RMPs, with critical concerns, rehabilitation measures, and targets for completion of mitigation.

Section 7.5, State and Local Plan Consistency

State/Local and Tribal Government Input

Add local and county governments and Tribes to governor's consistency review

Input: Revise BLM planning regulations (43 CFR 1610.3-2) to include local and county governments and Tribes, in addition to Governors, in the consistency review. Excluding local governments from the consistency review essentially negates FLPMA's recognition for consistency of local plans and the importance of local government's role. By limiting interaction to State government only, BLM avoids giving weight to local, county, and Tribal plans. Close this gap to fulfill FLPMA's original intent.

Benefits of consistency with local plans

Input: Initiate all planning processes by reviewing the adopted local governments' plans, and incorporating the appropriate aspects into the scoping document. Involve the Conservation Districts and other local governments in the original scoping process. There should also be an effort made to outreach to local governments to find useful unofficial planning documents.

Input: Local plans and policies undergo a planning process, so greater consistency with them would create fewer surprises because the public would already know the management direction. Litigation is more likely to be successful in the government's favor when BLM, State, and local interests are on the same side. Consistency will also eliminate litigation from State or local entities.

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Make sure to consider officially adopted land use plans that BLM needs to recognize, even if some jurisdictions' plans may not be actually labeled "land use plans. Many such plans are adopted as policy plans (more often than programs) by local and State governments and deserve the same consideration as any official "land use plan."

Adopt specifically directing BLM State Offices and Field Offices to develop documents that incorporate and are consistent with County Resource Management Plans and direct BLM officials as to the meaning of the term "to the maximum extent."

Acknowledge that local governments have other authorities than land use planning, such as protection of public health, safety and welfare, and environmental and wildlife protection considerations.

Review, consider, and incorporate programs and recommendations of state and regional comprehensive planning efforts, data, and analyses (i.e., State Wildlife Action Plans, North American Waterfowl Management Plan, Western Association of Fish and Wildlife Agencies Crucial Habitat Assessment Tool). This will help with the BLM planning process and eliminate the duplication of already generated data and analyses. Also use the environmental analyses and proposals of state agencies with jurisdiction by law or special expertise, to the maximum extent possible. Incorporate State species designations developed and defined within State Wildlife Action Plans, mandated by Congress and approved by the USFWS. Use State plans to inform management decisions on public lands including state Species of Greatest Conservation Need & Species of Economic and Recreational Importance.

Baseline Records

Input: Any base-line records from local plans to BLM should be accepted, and analysis should be revised and tracked to where there are delays. The follow criteria should be followed while considering baseline records:

1. Make counties equal partners in addressing base-line records
2. Have a seat at the table for counties
3. Ensure a principled consistency review, according to FLPMA

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4. Develop a metric illustrating the counties' consistency (in a chart form) with the existing RMP.
5. Accomplish this before the Governor's review, so that requirements can be met

Planning Summary at beginning of planning process

Input: Require Field Offices prior to the planning process to work with local county governments on their local planning effort and provide a summary document to the planning shop in WO. prior to initiating the plan process. This document would show how the county plan ties into public land management within the county. The summary could even be signed by both BLM Field Manager and County Chairperson/Manager. This would potentially be a big workload as some field offices have multiple counties within an RMP area but it would definitely build relationships and understanding on both sides.

Supremacy of BLM policy

Input: Revise BLM planning regulations (43 CFR 1610.3-2) to delete phrases that say Federal policy might preempt State and local government plans and programs. Revise it to be consistent with current law, which says that State and local government plans can only be superseded by inconsistent Federal law (not policy). Adopt local plans in their entirety whenever possible.

Documentation of plan inconsistency

Input: Review local government plans, policies, programs and documents for the consistency review, and explicitly State in the EIS/EA why a different action was taken (as required by FLPMA).

Input: Provide a definition and process for when it is appropriate to say it is not "practical" to be consistent. When consistency cannot be reached, BLM must justify and explain the reasoning in the document of analysis, and gives steps for moving forward.

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Governor's consistency review

Input: Conduct Governor's consistency reviews (GCR) between the ADEIS and DEIS and between the DEIS and FEIS. Draft responses to consistency review with the state and local governments before submittal to the Governor for the GCR.

Input: Commenters disagreed that the GRSG Governor's consistency review was meaningful. Requests future focus on making Governor's consistency reviews more meaningful.

Input: Require the BLM to meet with local governments early to discuss the preliminary planning and direction, to help with consistency.

Input: Allow local government Cooperating Agencies the opportunity to review the final documents in parallel with the Governor's consistency review period by allowing half of the review time. For example, if the Governor has 60 days to review the local governments should have the first 30 days of the 60 days to conduct a review.

Input: Develop a Manual and Handbook on Consistency Review that outlines appropriate timelines to ensure consistency to the maximum extent possible, outside of and during the NEPA process. These documents will also note that the BLM is required to begin the RMP process by reviewing state and local plans and meetings with those agencies for proper interpretation of plans.

Consideration of unique land needs

Ensure that FLPMA and BLM planning considers the unique and different needs of individual areas of land.

Landscape Approach in using local land use plans

Ensure that a landscape approach is designed to create balance between local input and managing for the whole, ensuring that local land use plans, local economies and economic impact don't get lost in the process. A "landscape scale" approach to resource planning is beneficial as a means of acknowledging

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larger, functioning ecosystems and how they define landscape, allowing systems and resources to be analyzed as a whole rather than fragmented.

ANILCA

Clarify how consistency with other Federal and State lands is evaluated and achieved, pursuant to FLPMA, and for Alaska, ensure the balance achieved by Congress in ANILCA is factored into the decision.

Public Input

Advisory Council

Input: Create an advisory council up of county officials and resource interests found in the planning unit for each planning area to provide counsel and advice during the planning period.

Input: Develop planning objectives from FLPMA/other laws and regulation to be refined by the individual planning advisory councils.

County/Local Plan Assistance

Input: Assist local counties to include natural resources in their county plans, since they do not have the capacity to fully participate in the planning process.

Input: Provide natural resource data to counties for inclusion in their plans.

Input: Automatically make local government a partner in the planning process, and consider local plans before imposing Federal plans, which would conflict with local planning.

Planning Liaison

Input: Assign a BLM representative as a planning liaison for each RMP to Tribes and local government.

Section 7.6, FLPMA

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State/Local and Tribal Government Input

State/Local coordination process

Input: Conduct a separate and distinct true coordination process with State and local governments with an exchange of information going both ways. This will improve the BLM planning and implementation process by: (1) reducing the time to finish plans and take action; (2) reduce expenses imposed on the BLM and local governments; (3) be more responsive to local needs; and (4) use knowledge of local government and people who have lived in the area for years. If BLM carries out coordination as prescribed by FLPMA, the planning process would be efficient, action-oriented, and productive.

Include basic statutory designation of lands in purpose and need statements.

Ensure that in the BLM Planning Handbook, on page 5, referring to ‘Coordination,’ contains all 6 points of FLPMA, instead of only the 2 currently listed.

Regularly and proactively implement existing authority under Section 202(c)(9) of FLPMA, which directs the Secretary of Interior to coordinate BLM land use planning and management with land use planning and management by State and local government entities within which the BLM lands are located, and to provide early notice of, and opportunities for input on, proposed BLM land use decisions affecting non-Federal lands. Currently, this does not occur on a consistent basis, with adverse consequences for local government.

Ensure that alternatives focus more on multiple-use and sustained-yield goals, specifically the principle or major uses defined in FLPMA.

Require, through proposed regulations, sustained levels of principal or major uses be addressed throughout the planning process. Principle or major uses under Section 103(I) of FLPMA include domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production. Through FLPMA, it is clear that Congress intended that BLM planning place priority on the principal or major uses. Such intentions for

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multiple use and more than one use on individual acres has been upheld in case law. Reaffirm this principle in policy and management handbooks.

NPR-A IAP consistency with FLPMA

Input: To ensure that revisions to the NPR-A IAP are consistent with FLPMA and the Production Act, promulgate regulations for integrated activity planning or revise BLM policies to exempt IAPs from RMP regulations.

Section 7.7, Smaller Scale Planning

State/Local and Tribal Government Input

Eliminate one-size-fits-all/landscape planning approach

Input: Decisions should be made by Field Offices in conjunction with the State Office, not by a Regional Director in Salt Lake City or Denver. Return to discrete decision areas or “fit-for-purpose”. FLPMA doesn’t support landscape planning. Meaningful State and local government involvement is severely diluted when the amount of material and complexity of issues spans a "landscape" drawn by Washington Office. Manage specific to soils, precipitation, climates. Broad landscapes lose the specificity and inhibit good public land management.

Input: Current planning area boundaries tied to BLM district offices may not be rationally connected to the resources and the emphasis on “landscape planning”. The area should be scaled appropriately for the land uses in the Plan Area and coordinated with state and local governments. Consolidation of BLM district offices and other efforts to dilute locally-based planning or management is not supported by SLUPAC. Establishing landscape boundaries that do not focus at local level will reduce the local voice in the planning process.

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Factors creating disproportionate analyses

Do not focus on guidance and internal initiatives that create disproportionate analyses and planning or NEPA document “real estate.” Some examples that create disproportionate analyses include Lands with Wilderness Characteristics, Areas of Critical Environmental Concern, Rapid Ecoregional Assessments, Grazing Permit Retirement, and Wild Horses and Burros.

Default planning level should be Field or District

Ensure the local BLM level (no greater than the District level) continues to serve as the default level of analysis and decision making for BLM planning and implementation activities. Anything planned at a higher Office level dilutes local voices and input in the planning and management process. The ‘landscape level’ often becomes counter to local focus and needs.

Focus on local effects and data

Emphasize all programs to focus on local implementation based on natural resource concerns. While the landscape scale approach does have its place in planning, the focus should be at the local level utilizing local relationships. Landscape-scale management that encompasses a large geographical area rely on broad sweeping data sets that fail to include the best available science data or local areas. Most effects take place within one-half mile of the surface disturbance. Plans that cover smaller areas would address the pertinent issues in a proportionate manner, would be more understandable to the public, and would not be as large.

Length and time of planning process interfering with State land selection/disposal

Focus planning and decision-making at the local level, allowing more consideration of local concerns and priorities, and a faster, more stream-lined schedule. The current Management Plan Amendment and NEPA process are so time-consuming, and involve so many levels of review that States are restricted on participating in land selections; selecting anything not on the Disposal Lands List would not allow time for review during the term of a State Land Commissioner.

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Ensure staff have more time in the field

Find ways to reduce the paperwork load associated with large planning efforts that limit personnel's time in the field.

ANILCA and determining size of planning areas

Input: Consider legislation, such as ANILCA, to "right-size" planning areas so that plans are understandable, and the needs and interests of state and local governments and the public are properly evaluated and considered.

Develop smaller plans separate from and RMP

Input: Developing smaller, more focused plans that are separate from and RMP and that would have limited applicability to BLM multiple use lands would result in less controversial planning decisions.

Resource-specific supplement to alleviate size of a planning document

Develop a short guide to an RMP that explains how fish, wildlife, and parks can be considered for BLM oil and gas lease sales within the context of the RMP. The length of RMPs makes it difficult to provide effective input on BLM projects and environmental reviews. For example, it can be challenging to provide effective comments on an oil and gas lease sale without understanding the limitations and scope of the RMP. This would help state fish and wildlife agencies tailor comments on oil and gas lease sales to fit within the scope of the RMP and would likely reduce the number of comments that need to be reviewed by BLM staff.

Recognize expertise of State/Local governments

Input: Recognize and utilize State and local governments' abilities to identify and define the scope of the land area. The States of Wyoming and Colorado map the sage-grouse population via their game and fish commissions/departments using local data from counties and conservation districts. The

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BLM State Office can use this data to work with States and Counties to determine if there are distinct populations that can be managed separately, or if there are several different planning units.

Allotment Management Plans

Input: Reinvigorate Allotment Management Plans (AMP) as local-based tools to manage and address grazing allotment issues and concerns. Local governments must be engaged and involved in AMP development and implementation.

Section 7.8, General

State/Local and Tribal Government Input

Using Experts

Allow BLM to use experts for peer review. Develop well-defined procedures to vet experts and maintain lists of pre-qualified experts for proponents and counties to retain. This follows the example of the Army Corps of Engineers.

Manual Changes

Rewrite the Water Rights Manual, MS-7250, dated 9/30/2013. Work with State to review water rights filing and develop a vetting process to ensure filings meet established criteria and legal sideboards. Do not use EIS documents to make water rights determinations.

Policy change requirements

Input: Amend §1601.0-4 of the BLM's Planning Regulations so agency guidance or policy changes must require public notice and comment, and must conform to FLPMA.

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Supremacy of BLM policy

Input: Revise the BLM planning regulations to remove the language that equates BLM policy or guidance with Federal law. Giving BLM policy the weight of Federal law allows it to override State and local government plans, which violates the plain language of FLPMA.

Federal Register Notice requirements

Input: Retain existing requirements to publish a Notice of Intent to prepare an RMP at the start of every planning effort. Add a requirement to publish a NOI to prepare EA-level plan amendments.

Level of detail in RMPs

Input: RMPs should be only detailed enough to provide a framework for project-level decisions. Things change on the ground so planning documents that are too detailed become dated very quickly. RMPs should be of sufficient detail to allow all forms of public land uses to proceed without multiple and duplicative NEPA analysis.

RMP boundaries

Input: Retain current RMP District boundaries.

Ensure adequate socioeconomic analysis for new planning rule

Input: Conduct a full environmental and socioeconomic impact analysis, to ensure a full range of planning process alternatives prior to enacting a final rule. It is unreasonable and a suspension of common and legal sense to assert that the proposed rule will have no significant effect on the human environment.

Public Input

USFS 2012 Planning Rule

Input: Conduct public outreach for the new planning rules similar to how the USFS developed their 2012 Planning Rule, where extensive public input was obtained with dozens of public meetings throughout the Country.

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Easy to follow processes

Develop processes that are publicized and easy to follow. Eliminate the ambiguity and subjectivity. It will help local governments and BLM staff.

BLM Policy

Input: Have all Field and State Offices be consistent with BLM policy.

Term Permit Renewal time periods

Input: Change term permit renewal timelines from 10 years to 20 years.

**Section 7.9, Prioritization of comments from local elected
officials and local public**

State/Local and Tribal Government Input

Input: Ensure that the BLM planning and NEPA processes give deference and a strong bias towards use and selection of local, user and stakeholder coordinated initiatives.

Ensure deference and inclusion for private local landowners.

Do not pander to special interest groups. Relegate special interests to their proper place as commenters, not negotiators.

Give deference and a strong bias towards use and selection of local, user and stakeholder coordinated initiatives (i.e., Coordinated Resource Management, Nevada Collaborative Conservation Network).

Amend Appendix A, Page 1, Principle #2, of the Land Use Planning Handbook to recognize that local citizens know the land better than distant interest groups not directly impacted by land use decisions. Prioritize the public values of local people who live near a planning area, and depend on the multiple use and sustained yield of the area's natural resources. Nothing should elevate the status or influence of non-governmental organizations or the general public above that of an elected official or cooperating agency.

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Note that local elected officials represent a higher level than the general public because of their land use authority and responsibility to represent their counties.

Section 7.10, Recreation

State/Local and Tribal Government Input

Recreational Shooting

Input: Recognize recreational shooting as an appropriate and publicly valued activity under federal multiple-use mandates, and cite the importance of hunting and recreational shooting as a gateway to hunting (Executive Order 13443). Include EO 13443 in all planning documents and direct agencies to ‘Increase structured hunting programs and recreational shooting opportunities as a means of achieving a net increase in federal land hunting’. Include reference to Pittman Robertson funding (derived from firearms and ammunition sales) that provides for wildlife and habitat conservation on public lands.

Input: Define dispersed recreational shooting as “any shooting that is carried out in a legal and safe manner, does not cause resource damage, and does not result in litter” to distinguish between responsible target shooting and irresponsible recreationists engaging in illegal activities including littering, poaching, and intentional destruction of vegetation. Further restrictions and/or elimination of areas due to a minority of offenders does not provide a balance of multiple-use and directly impacts responsible shooters.

Camping

Input: Analyze all impacts to the public’s ability to access and camp on BLM land as a result of overarching planning decisions including, but not limited to all land use allocations, recommendations, prescriptions, or designations. The planning rule should direct BLM to minimize camping restrictions that

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may lead to a shortage of available camp sites affecting the ability and/or willingness of lawful users to hunt and fish on their public lands.

Recreational use of wildlife

Input: Include State Game and Fish Departments' need to actively manage wildlife as a primary component and/or priority characteristic of any special land use designation including, but not limited to: national monuments, recreation management areas, Recreation Opportunity Spectrum allocations, wilderness, and recommended wilderness.

Recreational use of wildlife and special land use designations

Input: Fully analyze the cumulative impacts of further loss of public lands that provide for multiple-use and wildlife related recreation and economic opportunities prior to recommending or approving special land use allocations and designations. The Multiple Use Sustained-Yield Act of 1960 and the Federal Land Policy Management Act of 1976 prohibit Federal Agencies from affecting the State's jurisdiction/responsibilities. Managers of public lands are mandated to provide multiple-use recreational opportunities on public lands to present and future generations.

Analyze and minimize negative impacts to wildlife related recreational access in special land use designation areas and provide for development of alternate access routes when existing designated access routes are closed across private land.

Public Input

Recreational Shooting

Input: Allow private parties to develop public shooting ranges; it would be an efficient use of resources and partnerships with local citizens.

USFS NVUM model

Input: Adopt the USFS National Visitor Use Monitoring (NVUM) model and conclusions.

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National Trails

Input: RMPs should better integrate national trails.

Section 7.11, Wildlife

State/Local and Tribal Government Input

Special land use areas for wildlife

Input: Analyze and minimize impacts (including use of motorized/mechanized equipment) to a State's ability to manage wildlife in recommended/designated special land use areas for:

- Species introduction/supplementation/translocation
- Survey/monitoring
- Capture/markings
- Research
- Sampling
- Radio telemetry
- Stocking
- Stream renovations and barrier construction/repair
- Wildlife waters construction, redevelopment, maintenance, monitoring and water delivery
- Habitat enhancement/creation/restoration
- Fencing/removal
- Prescribed fire
- Angling and hunting
- Trapping
- Emergency management
- Law enforcement

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- Nonnative species or predator control
- Big game retrieval

Concurrence between BLM and State wildlife agencies

Input: Demonstrate the mutual agreement/concurrence of the state wildlife agency and USFWS for all fish/wildlife conservation, protection, and management plans. (Ex. ‘The Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service and the head of each appropriate State fish and wildlife agency for the State in which the public lands are located, shall develop a comprehensive plan, reflecting mutual agreement regarding conservation, protection, and management of fish and wildlife resources for conservation and rehabilitation programs to be implemented on public land under his jurisdiction.)

Species of Greatest Conservation Need/Economic and Recreational Importance

Input: Include Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI) within planning documents in an analysis of effects to such species. If the proposed action in the NEPA analysis potentially adversely affects any wildlife species, the responsible Federal official must make the relevant information available to the public and inform decision-makers and the public of a reasonable alternative to avoid or minimize those impacts.

Section 7.12, O & C Act**State/Local and Tribal Government Input****Economic-purpose land use designations**

Input: While the vast majority of BLM lands are multiple use lands, some specific areas have been designated by Congress for particular uses, such as for preservation or other non-economic uses, or for economic uses. The BLM planning rules should be modified to clearly identify all economic-purpose land use designations.

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Specific to the Oregon and California Railroad (O&C) lands and Coos Bay Wagon Road (CBWR) lands, Congress specifically preserved the dominance of timber production on the O&C lands and CBWR lands in section 701(b) of FLPMA, which says that "[n]otwithstanding any provision of this Act [FLPMA], in the event of conflict with or inconsistency between this Act and the ... [O&C Act and CBWR Acts], insofar as they relate to management of timber resources, and the disposition of revenues from lands and resources, the latter Acts shall prevail." The BLM planning rules should specifically recognize the dominant use requirements of the O&C and CBWR Acts.

Acknowledge in the BLM planning process the direction given by Congress for the management of O&C and CBWR lands. The O&C Act sets an absolute limit to the BLM's discretion to lower annual harvest levels in order to achieve the secondary uses identified in the O&C Act and to achieve the goals of the ESA. The planning rule should recognize this limitation that in no event may the BLM lower harvest levels below 500 million board feet (mmbf) per year.

The BLM planning rules should be revised to clearly define the scope of discretion under the O&C Act with regard to the BLM's recovery and jeopardy avoidance obligations under the Endangered Species Act.

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Section 8, Planning Handbook Updates

State/Local and Tribal Government Input

Input:

- Adopt the definition for "coordination" from WCCA's June 23, 2017 letter, with 'consistency' relating to policies and programs removed.
- Amend section 1610.6-5 to allow dialogue and feedback before changes are made to an approved RMP. Notify the public prior to making changes, and allow review 30 days prior to the changes' implementation.
- Provide consistent administrative review periods by allowing Cooperating Agencies to specific identified review periods that are standardized depending on the scope of the document(s) requiring review.
- Utilize the AMS to evaluate the management actions that worked in the previous RMP and those that did not, and use this information to frame the scoping and the new RMP.
- Define the term 'affected citizen,' the term used by Congress in FLPMA, referring to individuals who can protest a part of an LUP.
- On page 12 of the Planning Handbook, the paragraph under "goals": In the second to last sentence, the narrative incorrectly conveys that BLM has the right to develop "goals" for lands "influenced" but not owned by the BLM.
- On Pg. 7 of Appendix C, under (F), Wild Horses and Burro's, the narrative incorrectly conveys that the LUP may designate an existing HMA as a horse or burro "range" that excludes legally adjudicated livestock. The Planning Handbook should never convey that the BLM has authority not granted to it by Congress on ANY subject.

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Section 8.1, State and Local Govt. engagement

State/Local and Tribal Government Input

Participation of State & Local Government on Interdisciplinary Teams (IDT)

Input: Allow State & local Governments to substantively participate in the decision-making process as core ID team members. Primarily, focus on socio-economic information that can be provided early in the planning process by State & local Governments. Local government input is too often disregarded as non-substantive.

Cooperating Agency vs. Coordination as defined in the Planning Handbook

Input: Correct the language in the BLM Land Use Handbook that mistakenly identifies ‘Cooperating Agency’ as being a stronger tool than ‘coordination.’ More importantly, this causes the agency to fail to fully understand the coordination mandate placed on them by Congress.

Consideration of Existing State and local Plans

Input: Emphasize BLM authority under 1601.0-5 (c) to adhere to terms, conditions and decisions in approved and adopted resource related plans.

National Monument boundaries

Input: Do not designate boundaries around national monuments prior to contact with local and State governments.

National Landscape Conservation System manuals

Input: Revise most of the manuals in the Specially Designated Conservation Area and Wildlife Manuals - 6000 series to emphasize cooperation and coordination with local governments, including MS-6100, National Landscape Conservation System Management, MS-6220, National Monuments, National Conservation Areas, and Similar Designations, MS-6250, National Scenic and Historic Trail Administration, MS-6310, Conducting Wilderness Characteristics Inventory of BLM Lands, MS-6320, Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, MS-6330,

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Management of BLM Wilderness Study Areas, MS-6340, Management of Designated Wilderness Areas (Public), and MS-6400, Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, Planning, and Management.

Rule and regulation development at the local level

Input: Allow local governments to work with State BLM offices on improvements to rules, regulations and policies and then have the State Offices report the recommendations to the DOI in Washington, DC.

Section 8.2, Split estate actions

State/Local and Tribal Government Input

Input: Use bonding or eminent domain provisions to resolve when a surface use agreement cannot be negotiated. Also, provide deference to landowners and their surface use agreements with Federal mineral lessees as much as possible or where management decisions are not contrary to Federal law.

Section 8.3, Adaptive management

State/Local and Tribal Government Input

Consistent use of Adaptive Management Policy

Input: Develop specific policies and procedures on use of adaptive management (e.g. rangeland adaptive management procedures). Incorporate into the Land Use Planning Handbook.

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Input: Pg. 12, last paragraph: The example shown here is inappropriate for inclusion in a LUP. The example is appropriate under the use of "adaptive management" by a local BLM authorized officer after the guidance LUP is completed. An EA or CX would be an appropriate NEPA document for this type of proposal. Also, in the last sentence on this page, the narrative clearly mis-represents the relationship between the BLM's Land Health Standards and resource "objectives". BLM's Land Health Standards are "qualitative", not "quantitative" as are objectives by definition.

Section 8.4, Public engagement

State/Local and Tribal Government Input

Provide more opportunities for public engagement in the planning process

Input: Provide more opportunities to the public for reviews and input prior to the creation of the BLM preferred alternative and the release of the draft EIS or RMP, preferably prior to the creation of the agency preferred alternative. This will better reflect management concerns of the public, NGOs and commercial and industrial stakeholders.

Clear expectations of the public's role

Input: Allow the public to more influence the planning process, and be clear and concise what is expected both of the agency and the public's involvement in planning. Be more transparent and allow the public to more actually guide the planning process.

Educate the public about EIS-level Plan amendment processes

Input: Subject an EIS-level Plan amendment to a full Planning process cycle, including development of a planning assessment and alternatives, and inform the general public about the process for amending a Plan's components, or Goals and Objectives, once it's been adopted.

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Ensure BLM had appropriate staff to complete development of RMPs

Input: Keep the completion date of RMPs on schedule by hiring replacement staff (e.g. project leads) and any other key resource personnel that are necessary to get the job done.

Federal Register Notices

Input: Continue to use the Federal Register as the outreach method for notification or to request public involvement, including public review of documents and public meetings, when initiating public involvement with a time limit.

Improved Planning Websites

Input: Commit to maintaining a reliable, updated, and publicly accessible planning site for each BLM State Office, containing an updated Schedule of Proposed Actions, all of the documents and plans currently open for public review, and announcements about upcoming meetings/webinars. The current websites do not meet these needs for public engagement.

Follow ACHP's example

Input: Look to the Advisory Council on Historic Preservation (ACHP)'s regulations as a guide to how to be more proactive with outreach and engagement to stakeholders and impacted/local groups and communities.

Notify state and local government

Input: Before releasing any Notice of Intent, the BLM should inform county commissioners, state agencies and state elected officials of the project so they have sufficient time to determine their level of participation.

Planning area

Input: Consider the ability of the affected public to review and meaningfully comment on large and exceedingly complex planning documents when determining the size of the planning area.

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Public Input

RMP and NEPA mailing lists

Input: Establish and consistently follow a national policy for how each office will create, maintain, and use its NEPA and RMP revision mailing lists.

Input: Seek public input at every stage of the planning process.

Consistent public updates

Input: Inform the public when there are no updates or delays in the process. The public requests constant updates.

Integration of public input into planning

Input: Listen to stakeholders and provide specific examples where public feedback and input has been integrated into planning processes, and not just accepted.

Input periods

Input: Invite and incorporate public comments outside of official comment periods.

Legal requirements

Input: Planning process should explain to the public how the RMP requirements address relevant federal laws for the area.

Section 8.5, Issue-based planning

State/Local and Tribal Government Input

Socioeconomic Impacts

Input: Fully evaluate the socio-economic impact of decisions early in the process and engage the local governments in this process. Focus the analysis of impacts at the local economy scale. Establish a

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collaborative outreach and engagement program between the BLM, State agencies, and local governments to identify opportunities and best methods for dialogue as it relates to socioeconomic impacts.

Amending the definition of “planning issues”

Input: Focus planning issues on the on the principles of multiple use and sustained yield.

Include State trust managers in the plan implementation phase of planning

Input: Incorporate State trust managers in the implementation of Federal land use plans where the activities impact or interact with State trust assets to streamline the permitting and use of both Federal and State lands.

Management for Wilderness Characteristics

Input: Do not prioritize single-use wilderness-type management, as FLPMA does not included wilderness as a multiple use; therefore, BLM should not prioritize single-use wilderness-type management. The designation of “Lands with Wilderness Characteristics” should be explicitly addressed as not consistent with FLPMA.

Fish and Wildlife

Input: Include management for sustainable fish and wildlife populations in “multiple-use and sustained yield” mandates. High-functioning partnerships between the BLM and other agencies responsible for fish and wildlife management are essential.

Providing clear and up-front expectations for cultural resource inventories

Input: Provide clear and complete information to applicants about what is expected regarding the initial assessment of natural and cultural resource impacts; in particular, improving the up-front natural and cultural resource inventories would benefit both the NEPA and Section 106 processes.

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Public Input

Regional scale

Input: Planning efforts must strive to address issues that can actually be addressed at the scale of planning being undertaken and avoid making local, site-specific decisions at the landscape level.

Section 8.6, Purpose and need

State/Local and Tribal Government Input

Purpose and Need

Input: Clearly state the purpose and need for taking action and then openly evaluate issues and alternatives that relate to the purpose and need for taking action. Do not analyze alternatives or information not relating to the purpose and need.

Special Designation Areas

Input: Adequately establish a purpose and need and consult with partners to establish explicit directives on how State jurisdictions will not be impacted when evaluating Special Designation Areas such as wilderness, National Monuments, Parks, Wildlife Refuges, Conservation Areas, Areas of Critical Environmental Concern, etc.

Input: Prepare and release guidance materials that pertain to new Special Area Designations that have or are being incorporated into recent and on-going Alaska RMPs but are not listed in the current planning handbook (H-1602-1) for public review and comment.

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Public Input

Purpose and Need

Input: Maintain the scope and goals of the planning effort. Do not allow the planning effort to drift away from the original intent of the process to address localized issues.

Section 8.7, Plan evaluations

State/Local and Tribal Government Input

Deferral of an Action

Input: Relate deferring an allocation or other land use planning decision, to a decision in an ongoing planning effort where the deferred action is included in the development of alternatives.

New Review Period for a significantly changed preferred alternative

Input: Require re-release of a draft RMP for full (60-90 days) public review and comment (separate from the subsequent Protest period) when the proposed final alternative is measurably different from the preferred alternative in the draft RMP.

Travel Management

Input: Require travel management decisions in Alaska be based on current and complete inventory and use data; if an RMP did not take inventory and use data into consideration, state it cannot place limits on future step-down planning decisions.

Fair Market Value

Input: Charge fair market value for all costs. Put that money into acquiring more land to set aside for the public good and put conservation easements not only on the land, but mineral rights so they can just stay in the ground.

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Public Input

Executive Reviews/RMP Companions

Input: Develop concise Executive Reviews allowing readers to comment.

Input: Develop an easy to read, brief companion document to an RMP for local Tribes and governments.

Section 8.8, Planning vs. Implementation decisions

State/Local and Tribal Government Input

Definition of Reasonable Range of Alternatives

Input: Define what constitutes a ‘reasonable range’ further, and do not allow the term to be subjective. Failure to include a reasonable range of alternatives is a common source of litigation.

Progress report on implementation

Input: Present to the public a progress report that shows the implementation progress over the past year(s), on actions deemed necessary in the LUP.

Decision Record

Input: Do not have a “decision record” for an LUP because the LUP should not be a "decision" document.

Setting Priorities with local Authorized Officers

Input: Do not set priorities for restoration in an LUP. Priority setting is a local authorized officer’s responsibility within his/her budget and personnel availability.

FLPMA (Section 202) and LUPs

Input: Be aware that Section 202 of the FLPMA does not convey any authority to the BLM to make both land use planning and implementation decisions, and LUP's should not include any implementation decisions or preclude the use of adaptive management to allow local BLM staff and

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Cooperators to make decisions. Likewise, LUPs should not identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands or mineral states. Also, FLPMA does not convey that LUPs should identify desired outcomes expressed in terms of specific goals and objectives, or decisions; they should provide guidance, not decisions, for implementation proposals on multiple use management projects developed after the LUP is completed. Implementation decisions should be developed by local BLM authorized officers after meaningful consultation, cooperation, and coordination with those who are cooperating agencies and "affected citizens" from legitimate multiple uses after a guidance LUP is completed.

Guidance terminology, not implementation decision terminology

Input: Do not allow implementation terms in a LUP to take effect immediately as stated. If LUP items take effect immediately, then the concepts of adaptive management are suppressed. Implementation decisions should be put into effect by project specific plans, using site specific language instead of LUP language.

Mineral leasing decisions

Input: Include mineral leasing decisions in RMPs, which would eliminate the additional NEPA analysis currently required at the leasing stage.

Public Input

Travel Management Planning

Input: Travel management planning must occur at the local level.

Section 8.9, Measurable objectives

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State/Local and Tribal Government Input

Monitoring

Input: Monitoring should be outcome-oriented.

Creating a good goal list

Input: Come to initial scoping meetings with a goal list, and a scorecard of quantitative and qualitative performance objectives that commit the BLM and Cooperating Agencies to tangible outputs and outcome.

Public Input

Clear and original goals and objectives

Input: Have RMPs state clear, easily understandable goals and objectives, and RMP alternatives be broad enough to plan for future management scenarios.

Input: Make sure planning efforts stay to their original intent, and don't drift away from original goals and objectives.

Section 8.10, Wilderness Characteristics

State/Local and Tribal Government Input

Wilderness Characteristics Inventories

Input: Eliminate Manuals 6310 and 6320 to expedite the land management planning process and allow the land designations in existing RMPs to stand. “Wilderness Characteristics Inventories” go beyond the scope of FLPMA and the Wilderness Act.

Managing Wilderness Study Areas (WSAs)

Input: Do not predetermine the management of WSAs. The section referring to this should be removed from the Planning Handbook on page 27 of Appendix C. Congress should be the deciding body on future management of WSAs, along with States, Counties, other Cooperators, local BLM offices, and

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the "affected citizens" in the location of the released WSA's. Congress should also establish legislation requiring the withdrawal of all WSAs not acted upon by a certain date. Remove WSAs not meeting wilderness status.

Revoke S.O. 3310

Input: Revoke SO 3310 in its entirety or specifically exempt Alaska. Additionally, direct BLM to comply with the wilderness review limits in ANILCA Section 1320, and reinstate former Interior Secretary Gale Norton's Alaska Wilderness Review Policy; which authorized wilderness reviews in Alaska only when there is broad support by the state and Federal elected officials representing Alaska.

Section 8.11, Resource Advisory Councils

State/Local and Tribal Government Input

Use of Resource Advisory Councils (RACs) in Land Use Planning Process

Input: Modify Section 1610.3-2(d) to remove requirement to coordinate with RACs on RMPs. BLM should have discretion on when it is permissible to coordinate with RACs during a planning process.

Input: Note that section 309 of FLPMA says that RACs can advise on an RMP, not that they be required to be involved.

Input: Keep the planning process (in terms of the RAC's involvement) open to participation and allowing all the participants to draft what they believe is possible.

Multiple Use Advisory Boards

Input: Reorganize and bring back the Multiple Use Advisory Boards, along with the BLM Grazing Advisory Boards, and dispense with RACs or only use RACs for centralized management. Or, come up with a better, more locally-focused advisory board approach.

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Section 8.12, AMS

State/Local and Tribal Government Input

Requirement of an AMS development

Input: Make development of an analysis of the management situation (AMS) a requirement for an EA-level planning analysis.

Successful and unsuccessful management actions

Input: Utilize the AMS to evaluate the management actions that were successful or unsuccessful in the previous RMP to frame the scoping of a new RMP.

Section 8.13, Regional considerations

State/Local and Tribal Government Input

Energy Policy Act

Input: Define how the western energy corridors designated under Section 368 of the Energy Policy Act of 2005 will interact with the RMP process.

Properly consider values of multiple uses and local markets from those uses

Input: Rewrite the planning rule to direct BLM to consider and analyze impacts to the economic and recreational values of hunting in agency actions, as well as an accurate accounting of values of other resource uses and the markets that are created by said multiple uses.

Results and Outcome Based Management

Input: Better implement and give deference to results/outcome based and stewardship contract-style management, with outcomes reflecting current trends.

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Local custom and culture

Input: Include analyses of impacts to local custom and culture as part of cultural resources.

Local information

Input: Update current handbooks to emphasize the importance of local information and research communities.

State boundaries

Input: Ensure that planning areas do not extend beyond state boundaries.

Area of Influence

Input: Create an ""Economic Area of Influence"" or ""Community Area of Influence"" designation to determine whether the proposed action will have a significant economic impact on the community, and whether alternatives or mitigation measures will be needed to stabilize resource-dependent communities.

Wild and Scenic Rivers in Alaska

Input: Exempt Alaska from the requirement to conduct Wild and Scenic River reviews in RMP planning, thereby affirming that ANILCA Section I 326(b) allows only Congressionally-authorized Wild and Scenic River reviews.

Land Acts in Eastern Nevada

Input: Support and facilitate, if passed, S.1046 and Companion Bill H.R. 2374 - Eastern Nevada Economic Development and Land Management Improvement Act, "To facilitate certain pinyon-juniper related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, and to fully implement the White Pine County Conservation, Recreation, and Development Act." This would resolve the issue of land disposal and implementation of the Land Acts in Eastern Nevada.

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Public Input

Input: Incorporate local knowledge of the planning area and issues.

Input: Ensure that planning occurs across artificial human boundaries and geographies, including across multiple BLM jurisdictions and States.

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Section 9, NEPA Handbook updates

State/Local and Tribal Government Input

Range of alternatives for Tribal projects

Input: Allow agencies to analyze only Tribal-supported alternatives and the no action alternative for actions proposed by a Tribe on its own reservation.

Range of alternatives for collaborative projects

Input: Allow agencies to analyze only the action and no-action alternatives when a project is collaboratively developed, unless a third alternative is proposed during the scoping and meets the purpose and need of the project.

Eliminate alternatives that are inconsistent with plans

Input: Eliminate from detailed analysis alternatives that are inconsistent with State Law, State plans, or local ordinances and management plans. This would reduce the size of Federal documents and avoid duplication of effort.

Eliminate unreasonable alternatives

Input: Eliminate alternatives that are not consistent with the purpose and need for the project. Eliminate alternatives that are not within the statutory authority of BLM.

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Section 9.1, Public engagement

State/Local and Tribal Government Input

Early engagement

Input: Reach out to State and local governments and Tribes earlier in the NEPA process. Waiting until the end of the process to review is faulty. Earlier outreach means that issues could be identified and addressed sooner in the NEPA process, and commenting periods would not need to be extended.

Local public focus

Input: Emphasize outreach with those most impacted by the agency's decision, and whose communities depend upon access and management of the resources. Implement a mandatory meeting with non-BLM landowners prior to scoping.

Continue Federal Register notices

Input: Send out notices of publication in the Federal Register multiple times.

Public review of draft documents

Input: Make sections of draft documents available for public review with the provision that is still subject to change. Any public comments could be accepted as unofficial until the document became public and available for review.

Departmental Manual and consensus-based management

Input: Strike the discussion of consensus-based management at 516 DM 11.2(D)(2), because it gets in the way of existing collaborative mechanisms that are statutorily mandated, codified in regulation, and further defined for implementation in agency guidance. The objectives of 516 DM 11.2(D)(2) can be accomplished via existing collaborative and public engagement mechanisms.

Timing of comment periods

Input: Tailor comment periods to the interested public. For example, comment periods during mining season are unhelpful as most miners are out in the field.

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Publicize BLM actions

Input: Use public hearings, ads in newspapers and on TV/radio, and stories in local publications. Post all notice on the BLM's website, at all BLM offices within the planning area, and at other public locations, including libraries, social media and other media outlets. Treat it like any other business activity by a private entity "proud" of their "developments."

Work with known litigators

Input: Reach out to known litigators and bring them into the process.

Closures without notice

Input: Allow for administrative temporary closures of BLM lands for volunteer projects (clean ups, trail events, etc.) without notification in the Federal Register.

Public Input

Communications

Input: Be more proactive and creative about using news events, social media, and other communication methods.

Input: Use the various types of local media: social media, BLM web site, newspapers, radio, and TV. Many BLM issues are only noted in the part of the country where they are taking place.

Input: Advertise scoping and public involvement opportunities with due diligence so that important issues are not inadvertently left out of analyses.

Input: Encourage BLM Field Offices to maintain an interested party call list. This should include other agencies, Tribal governments, NGOs or particularly interested citizens.

Input: Find a simple way for people to subscribe electronically to Federal Register notices or press releases concerning a specific geographic area (e.g. a Field Office or District Office).

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Federal Register

Input: Ensure that Federal Register notices are handled by the WO in a timely, clearly traceable, and effective manner.

Field Trips

Input: Schedule and effectively publicize field trips during scoping for EAs and EISs, including on weekends, to the proposed action areas

Input: Consider field trips that would enable stakeholders and BLM staff to discuss potential concerns early on and in the actual location of the proposed project.

Draft NEPA Review

Input: Allow project proponents to review Draft NEPA documents before they are released to the public.

Input: Allow a regulated entity to provide input on the EIS before it is released to other stakeholders.

Preliminary alternative

Input: Have the public heavily involved in a planning assessment phase, and create a preliminary alternative based on public input.

NEPA concept simplified for general public

Input: Educate the public on what NEPA is, and the times when public involvement is needed in the process. This could be in the form of a one page handout about NEPA.

Input: Consider offering NEPA 101 sessions to help interested citizens understand NEPA and the language that goes along with the process.

Stakeholder Involvement

Input: Identify stakeholders, and involve them in the project before planning ever begins.

Input: Accept local government and stakeholder ideas by showing how they were included in the plan.

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Public Meetings

Input: Allow all meetings to be open to the public. The BLM should not be meeting with one stakeholder without other stakeholders present. Members of the press should be encouraged and invited to all meetings.

Non-technical language for public outreach and reports

Input: Issue your invitations to participate, updates, and reports in plain English without using industry or bureaucratic jargon.

Staff time for effective community engagement

Input: Allow more staff to have the time to actually engage with local communities and be available to the communities to accept input and concerns. This allows staff time to build relationships and promotes investment in the community, ultimately saving time and money while being more responsive to local needs.

Section 9.2, Issue-based analysis

State/Local and Tribal Government Input

Existing BLM guidance on issues for analysis

Input: Use issue-based analysis to save time. Use the stated purpose and need for action to limit issues requiring detailed analysis, consistent with the BLM NEPA Handbook. Reinforce this guidance through training and internal communication.

Require supporting information

Input: Require the public to supply enough solid scientific information to the government when they raise an issue for analysis, before it is even looked into.

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Set geographic scope

Input: Initiate discussion as early as possible with local governments prior to the boundary being determined and scoping taking place. The determination of the geographic area to be analyzed during the NEPA process for projects is a critical step that needs additional attention.

Scope level of analysis

Input: Choose whether to prepare an EA or EIS only after scoping comments have been solicited and reviewed. This would allow the BLM to consider the level of public controversy or other potentially significant issues that arise during scoping prior to determining the level of NEPA analysis.

Section 9.3, Programmatic analyses

State/Local and Tribal Government Input

Use of programmatic analyses

Input: Use programmatic or landscape-level planning with site-specific analysis to reduce duplication and disproportionate analysis. For example, a programmatic NEPA document for granting temporary, non-renewable livestock permits would greatly reduce the agency personnel needed and time requirements and could make this a viable tool in controlling fire-prone fuel levels. Similar principles could be outlined for many resource management areas (pinyon pine/juniper cutting, fuels breaks, water development maintenance). If a proposal or a project fits the principles analyzed, the NEPA would be sufficient or only minor site-specific analysis needed.

Programmatic pilot program

Input: Use landscape-scale, programmatic, adaptive and iterative analyses. Create a new pilot program to prioritize landscape-scale programmatic analysis for restoration projects over geographies greater than 100,000 acres in landscapes with demonstrated ecological and economic need and effective existing collaboration among diverse stakeholders.

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Public Input

Programmatic EAs/EISs

Input: Use programmatic EAs, especially for foreseeably repetitive proposed actions over large spatial areas, such as landscape treatments and recreational SRPs.

Input: Develop a legally defensible EA template that will be consistently applied throughout each BLM State's offices for all project proponents seeking to bring forth a project.

Input: Focus on programmatic EAs/EISs that cover similar actions nationwide. Additional analysis can be conducted when outcomes are likely to be different.

Input: Use regional guidelines on regional issues and avoid becoming a replacement for local planning.

Section 9.4, Tiering, adoption, and incorporation by reference

State/Local and Tribal Government Input

Tiering and programmatic analyses

Input: Use a more tiered approach to NEPA, with site-scale analyses tiered to programmatic analyses for common resources and issues.

Incorporation of State and Local plans by reference

Input: Incorporate by reference State and local plans by reference to reduce the length of Federal documents, inasmuch as State and local plans provide the basis for consistency with BLM plans.

Incorporate baseline analysis by reference

Input: Incorporate relevant baseline data or reports from other nearby projects. The BLM should quit the cycle of completely reestablishing baseline conditions for every individual project and not “reinvent the wheel” on analysis.

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Public Input

Tiering to programmatic EISs

Input: Develop programmatic EISs, so subsequent applications can be handled through tiered, supplemental EAs or DNAs.

CEQ Guidance

Input: Refer to CEQ Final Guidance for Effective Use of Programmatic NEPA Reviews (issued December 2014), and CEQ Final Guidance on NEPA Efficiencies (issued March 2012).

Supplemental Programmatic Geothermal EIS

Input: Prepare and issue an updated Supplemental Programmatic Geothermal EIS for commercial geothermal leasing and development and transmission.

Conservation Reviews

Input: Have conservation reviews on programmatic efforts improve (e.g., provide for more effective and efficient) consultation on subsequent, tiered planning processes.

Section 9.5, User-friendly PDF documents

State/Local and Tribal Government Input

Map-based planning documents

Input: Develop a map-based product that would allow users to review the locations of projects and comment within the application for projects and plans that span large geographic areas or include multiple geographic locations.

Section 9.6, Administrative record

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State/Local and Tribal Government Input

Maintain administrative record

Input: Ensure a full administrative record is kept for all decisions with input that was received.

Section 9.7, Adaptive management

State/Local and Tribal Government Input

Develop adaptive management procedures

Input: Incorporate adaptive management as a standard part of BLM processes, and projects using adaptive management should require less lengthy analysis. Develop specific policies and procedures on adaptive management, which should then be incorporated into the BLM handbook. Set up the RMP as a guidance document as a basis for adaptive management.

Section 9.8, Type of analysis/Impacts

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State/Local and Tribal Government Input

Avoidance of alternative descriptions in effects analysis

Input: Ensure that analysis of effects disclose effects on users and resources rather than repeat descriptions of the alternatives.

Begin complex analyses early –

Input: Begin complex analyses directly following scoping, but prior to full NEPA development. This could result in a more manageable (right size) NEPA process and outcome document. Starting complex analyses prior to preparing a full NEPA process could help streamline the length of time that cooperators are involved.

Section 9.9, Standardization

State/Local and Tribal Government Input

Standardize analysis

Input: Use standardized approaches to environmental analysis to increase efficiency and reduce time to decision.

Standardized format

Input: Use a national, standardized format for RMP and NEPA documents.

Standardize content

Input: Review Federal statutes, regulations, policies, and relevant case law to develop core elements to be included in each FONSI, EA, and EIS. This list of elements should guide the scoping

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discussion. Having a core list of elements to be analyzed will speed up the process and limit duplicative and unnecessary analysis. Create checklists for issues to be analyzed.

Public Input

Standardized EA template

Input: Issue an IM, in alignment with CEQ's original NEPA guidance, directing State Offices to develop standardized EA templates in the form of questions; these will allow project proponents a consistent, streamlined opportunity to fulfill their responsibility for EA input.

Input: Provide an explanation when a decision is reached of how and why it was chosen.

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Section 10, Cooperating Agency Desk guide

State/Local and Tribal Government Input

Coordination

Input: Update the Desk Guide to provide clear guidance on how to coordinate with other governmental entities, as required by FLPMA. There needs to be clear overarching policy regarding roles and responsibilities regarding States and local governments as Cooperating Agencies for planning and management efforts and BLM's requirements for coordination with state and local governments and consistency review under FLPMA regardless of Cooperating Agency Status. .

Divide desk guide

Input: This Desk Guide blends Coordination, Cooperating Agency Status, and Consistency Review. These topics should be divided into three different policies with associated manuals and handbooks and associated employee training.

Special expertise

Input: Revise the desk guide to ensure that a state or local government can hire a consultant to fulfill special expertise to qualify as a cooperating agency. Establish clear policies on "best available science" and formally validate and establish ways to establish "local knowledge" and "special expertise" with respect to State and local government participation and local land grant universities and experts.

Section 11, Use of data and GIS in decisions

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Section 11.1, Tools for better public access to planning and NEPA documents

State/Local and Tribal Government Input

Allow all comments to be provided electronically

Input: Succinct ideas are easier to absorb. EPlanning is a good example.

Disseminate information in bite-sized portions

Input: Disseminate information via short "Prager University-style" videos, with bullet points so ordinary citizens (who are short on time) can watch and understand. Proposed management plans are nearly impossible for ordinary citizens to read, let alone decipher. Keep in mind that the public is living in an age of Youtube and "short attention spans." Posting on social media (such as Facebook) is cheap, and could potentially be shared by many.

Develop and make interactive mapping tools for planning

Input: Develop and make interactive mapping tools available for public use, to better aid in understanding how various planning layers interact and effect on-the-ground use.

Input: Develop a technological solution so that Cooperating Agencies and BLM can use interactive mapping to troubleshoot and discuss potential alternatives and see their potential impacts in real time and spatial extent.

Improve the BLM website and announce when changes are being made

Input: For example, the current web format no longer has pages for individual field offices. Much of the information we rely upon from the RMPs can no longer be found online. Even the state office staff did not know how to find GIS information for the Grand Junction Field Office travel management plan as recently as last month.

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Input: The agency website is not very good at directing a visitor to necessary documents. This should be addressed so that documents pertaining to a NEPA process or a land use planning process are easily available.

Continue to use project websites

Input: Add clearer links to various topics, such as descriptions of known historic sites and the NHPA process. While the BLM often includes Section 106 information on project websites, it can be difficult to find.

Implement a better use of technology to provide access by state and local governments in planning and NEPA processes

Input: Develop project tracking software that can be used by BLM Staff and local governments concurrently.

Input: Develop an E-repository system for Cooperating Agencies to better share data and information. Include fully accessible online project management portals that are transparent and easily accessible where all project information (maps, reports, comments, response to comments, etc.) is available. Examples that could be borrowed from are the project management program through the Utah Watershed Restoration Initiative and the E-repository system used by the Navy during the Fallon Range Training Complex Withdrawal during the Legislative EIS process.

Public Input

Input: Provide a link to all comment periods past and present on the BLM website and access to all submitted comments.

Input: Provide an app for smartphones allowing the public to comment on projects.

Input: Develop a graphic for the BLM website that shows the progress of a given NEPA project.

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Input: All documents should be easily searchable and online. Including meeting minutes, supporting studies, public comments, and data.

Input: Establish a land use planning website that focuses on the availability of this geospatial database of land use resources and land use allocations. ArcGIS provides a straightforward way to export a layer as a KML file; this should be done for more NEPA projects so that more of the public can understand them.

Centralized location for NEPA in a geographical area

Input: Work with other Federal agencies to synthesize all of the existing NEPA into a peer reviewed, online decision system designed to remove the need for any further NEPA analysis for typical agricultural production activities and other common land uses in an area.

Section 11.2, Use of Corporate Data

State/Local and Tribal Government Input

Input: Implement information quality, monitor and use the data.

Develop Statewide Baseline Studies on socioeconomics that would incorporate existing data

Input: The Nevada Association of Counties, the Nevada State BLM, and the U.S. Forest Service have had discussions about conducting a Statewide Socioeconomic analysis using University of Nevada, Reno's Experts on Local Economic Studies in Nevada. This would establish a socioeconomic baseline data and an economic impact assessment tool across the State of Nevada. The economists who develop this analysis could then be hired to quickly run IMPLAN for each RMP EIS or individual proposed projects so that the socioeconomic impacts sections would integrate local data into a quantitative analysis. This consolidated baseline data could then be easily maintained.

Section 11.3, Data sharing

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State/Local and Tribal Government Input

Use of State, Tribal, and Local expertise/science in Federal environmental review, consultation and permitting requirements

Input: Support independent research and analysis from NGO, academic, and other partners to inform NEPA and ESA compliance review process improvements, including estimates of the time and cost involved for different project types. Develop metrics for successful outcomes, including cost and time performance indicators.

Input: Do not unnecessarily duplicate raw data, but when appropriate, evaluate existing analysis of data prepared by the States, and reciprocally share data with State wildlife managers, to ensure that the most complete data set is available for decision support system.

Input: Better utilize statewide data State agencies have on fish and wildlife distribution, population status, and habitat quality, as well as individual species plans such as mule deer or trout, and plans for suites of species such as grassland birds and neo-tropical migrants. These plans and data are key to managing fish and wildlife to meet the objectives of citizens.

Input: Ensure that planning efforts and environmental reviews recognize and integrate State agencies' and local governments' agencies' technical expertise and data into BLM's resource management planning processes to more fully inform decisions, and successfully achieve BLM's sustained yield mandate for fish and wildlife, and considering socio-economic effects.

Input: Work with state fish and wildlife agencies (and other sources for data such as natural heritage programs) to use the latest technology to increase information sharing and updates.

Input: Local on the ground knowledge is disqualified in favor of BLM-chosen "experts". A clear process and protocol should be developed that details the inclusion and balancing of local knowledge and science as well as rationale for how final decisions are made based on that balanced analysis.

Input: BLM should not limit state or local government participation in any planning or NEPA process through a narrow interpretation of "special expertise." State and local governments should be

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allowed to bolster their special expertise through hiring of outside consultants just as BLM and project proponents do. All BLM data, baseline reports, and associated documents should be readily available and shared with local governments with ability to make changes based on their input. Local governments must have a seat on BLM Interdisciplinary Teams for all planning and projects, regardless of the varying levels of expertise.

Input: Inconsistencies and errors should be reconciled and corrected rather than ignored. Projects are treated separately, and the information is not being re-used or incorporated into baseline analyses. This results in conducting separate studies with separate consultants for each project when they may be interrelated, which encourages the "battle of the experts" and greatly increases costs and extends timelines for completion.

Input: Inconsistencies and errors should be reconciled and corrected rather than ignored. Projects are treated separately and information is not re-used or incorporated into baseline analyses. This results in conducting separate studies with separate consultants for each project when they may be interrelated, which encourages the "battle of the experts", increases costs, and extends timelines for completion.

Example Available

Input: National Association of Counties (NACo) Memorandum of Agreement with Association of Oregon Counties (AOC) may provide a good template for early and often communication before decisions are made.

Develop regional databases of information

Input: Develop regional/statewide databases of information from trusted sources (including surveys already on file) and allow those sources to be used (and re-used) in future analysis. Coordinate within and across adjacent Districts to share data, require that data be ground-truthed to ensure prior mapping errors are corrected. For example, once an air quality report is done for a region, there is no need for the same study to be completed 1 year later unless conditions have changed dramatically.

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Input: Maintain fish and wildlife datasets that duplicate datasets maintained by the State fish and wildlife agency or natural heritage program. The BLM could regularly share their data with these organizations so datasets are maintained and can be accessed from one place.

Input: Perform literature reviews to identify relevant literature for each area prior to the NEPA process. Reach out to State and local governments and local land grant universities for local literature or data, and work in coordination to identify an agreed-upon body of science for each area. Where there is a disagreement, make attempts to reconcile it. Update this information annually in advance of the RMP update schedule or major projects that will require NEPA analyses.

Input: Establish local committees of resource experts (i.e. University, USDA ARS, State Dept. of Conservation & Natural Resources; State Dept. of Agriculture, Conservation, Wildlife, USDA-NRCS) to conduct an independent review of and prioritize best available science, prepare written reports on findings and recommended actions, review a challenged document, or perform field evaluations. The BLM would participate in this process and could make a formal determination accepting the results as the “best available science” for their uses. This would better support BLM decision-making with a local focus

Forest Service/BLM Collaboration

Input: Support collaboration between the USFS and the BLM to combine efforts to collect data in order to avoid duplication and facilitate a more streamlined timeline and comprehensive Draft RMP document.

Request information and data from stakeholders

Input: Request and seek information and data from various stakeholders; don’t expect stakeholders to know to provide it.

Consideration of Anecdotal Local Knowledge

Input: Make sure to include or at least investigate, during the Planning assessment phase, anecdotal local knowledge when considering best available science.

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Deference to Local Data and Research

Input: Use and give deference to locally sourced data and methodologies from the local Land Grant Universities. It's often observed that research and data from outside of the area and State are used in analyses and decisions.

Input: Utilize local data in all analyses when appropriate. Often such data are only available from local governments, but aren't currently provided. These data may not be as complex as national or regional level data, but will be much more up to date and accurate.

Public Input

State and local govt. data

Input: Work with State and local oil and gas departments to combine efforts and data.

Input: Rely on data gathered by other Federal or local agencies as a baseline.

Local Partner data

Input: Engage local partners and utilize data they have been gathering for years on a resource issue.

Section 11.4, General

State/Local and Tribal Government Input

Input: Analyze new scientific data or findings as they become available, even after a plan is complete, and how those specific findings apply or can be incorporated, without starting the whole planning process over and keeping the final product flexible enough to incorporate new data.

Information Technology

Input: Use information technology to improve the efficiency of NEPA, provide greater transparency, and reduce redundant data, analysis and business practices.

Input: Provide analytical tools for improved analysis of potential implications of no-action alternatives.

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Input: The BLM should develop procedures to manage the scope, schedule and cost escalation associated with air modeling.

Input: To aid in understanding how the various planning layers interact and effect on-the-ground use, develop and apply interactive mapping tools to RMP planning for the public's use.

Citizen submitted data

Input: Ensure that citizen submitted data meets the Information Quality Act (IQA) and U.S. Bureau of Land Management, Information Quality Guidelines (2012) to deserve any consideration. Citizen science remains unchecked and gives politically motivated organizations the means to lock up decisions in litigation. Such citizen submitted data must meet

Input: Do not adopt use of “Traditional Ecological Knowledge” (TEK) as “high quality information”.

Input: Realize that although information gained from ranchers and miners may be valuable, the BLM already has access to that information.

Data from Land Grant Universities

Use and give deference to locally sourced data and methodologies from the local Land Grant Universities. Local and county governments often see research and data from outside of the area and State being used in analyses and decisions.

Public Input

Online templates/ePlanning

Input: Develop online templates for commenting and reviewing documents for the public.

Input: Improve ePlanning to make it as user-friendly as possible.

Input: Ensure that NEPA project leads can identify points, lines, or polygons as locations of proposed actions, similar to GIS.

Input: Use electronic evaluation of analyses to avoid duplication, including a searchable database of previous NEPA analyses.

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Section 12, Equal Access to Justice Act (EAJA)

State/Local and Tribal Government Input

Revise EAJA to reduce litigation and excessive analysis

Input: Continue to reiterate to legislators the cost of litigation and the impact on resource management. Much of the complexity of BLM planning is driven by the need to prepare for lawsuits. EAJA reform is necessary in order to address the issue of excessive litigation. As long as litigation proves profitable it is unlikely any level of analysis and documentation will prevent litigation. In fact, the agency tends to allow the threat of litigation to drive the level of analysis, which results in unwieldy and unnecessarily large documents, delayed timeframes and still litigation ensues.

Reform of the EAJA

Input: Lower the amount of money awarded to successful litigants, requiring litigants to win on at least 50% of the case, and requiring litigants to demonstrate economic need. Also, review and change the misuses that are occurring on EAJA, by the anti-grazing and environmental groups. The EAJA incentivizes constant litigation of BLM decisions and can allow for an opportunity for the public to interfere with the BLM planning process. Objection, appeals and lawsuits are often initiated when one group does not achieve their desired outcome in a planning process. They (anti-grazing and environmental groups) have effectively used this source to sue BLM, mostly based on procedural issues, not substantive policies.

Public Input

Reform of the EAJA

Input: Make those that appeal or sue pay for the government time spent on the appeal or suit. Frivolous law suits are too easy with no penalty for the plaintiff.

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Input: Amend EAJA to disallow reimbursement of legal expenses to any party that does not have permanent residence in the immediate affected area or is not personally impacted.

Section 13, Master Leasing Plans (MLPs)

State/Local and Tribal Government Input

Eliminate Master Leasing Plan Process

Input: Revoke IM 2010-117 and Chapter V of H-1624-1 of the MLP process. It would benefit planning and NEPA procedures. The MLP process forces BLM Field Office staff to perform duplicative and unnecessary analyses of oil and gas leasing that supersede existing RMPs. Existing RMPs should be allowed to govern implementation decisions for longer periods of time, not be superseded by MLPs. MLPs typically take the form of an EA- or EIS-level plan amendment, so they take massive amounts of time and resources that could be better spent on other critical programs.

To: Raymond Limon[raymond_limon@ios.doi.gov]; Christopher B
Lawson[Christopher_Lawson@ios.doi.gov]; Martin Pursley[martin_pursley@ios.doi.gov]
From: Pletcher, Mary
Sent: 2017-04-06T14:39:01-04:00
Importance: Normal
Subject: draft hiring controls memo
Received: 2017-04-06T14:39:08-04:00
[Hiring Controls April 2017.docx](#)

Does this work and address the comments you all had?

Mary

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Mary Pletcher
Department of the Interior
Deputy Assistant Secretary for Human Capital and Diversity
Chief Human Capital Officer
(202) 208-4505

To: Heads of Bureaus and Offices

From: James Cason
Acting Deputy Secretary

Subject: Hiring Controls

OMB Memorandum x, lifts the hiring freeze implemented by the President on January 23, 2017. However, agencies are directed to plan to implement the FY 2018 President's Budget as well as developing a long-term workforce reduction plan. Additional guidance on the development of the long-term workforce plan will be forthcoming. However, the following hiring controls and procedures are effective immediately:

- 1) Bureaus and offices may proceed with lateral reassignments or details of existing employees with the exception of Senior Executive Service (SES) or Senior Level (SL) positions.
- 2) Outside of the Washington, DC and Denver, CO metropolitan areas, bureaus and offices may proceed with hiring for all positions at the GS-11 and below levels. Bureaus and offices should prioritize filling on-the-ground field positions over positions in regional offices.
- 3) Hiring for all positions, regardless of grade, is frozen in the Washington, DC and Denver metropolitan areas. Waivers to the freeze may be granted by the Deputy Secretary. In considering requests for waivers, bureaus and offices should be prepared to demonstrate how filling positions in Washington, DC and Denver will better support on-the-ground mission delivery and not create additional management layers. The following positions in the Washington, DC and Denver area are excluded from the freeze:
 - National Park Service National Capital Region park unit positions
 - United States Park Police positions
 - Seasonal/temporary hires to include Pathways interns, Reemployed Annuitants and reimbursable details
- 4) Approval from the Deputy Secretary is required to announce and fill any permanent vacant positions at the GS-12 full performance level or above, regardless of location. In requesting approval for positions at the GS-12 level or above, bureaus and offices should ensure that spans of control and delegations of authority are optimized to accomplish the work with the fewest amount of management layers needed to provide for appropriate risk management, oversight and accountability. Approval is not required for the promotion of current employees in existing career ladder positions. Approval is not required for seasonal and temporary hires.

Process for requesting Deputy Secretary approval

Bureaus and offices will be provided a template for:

- Waiver Requests for all Washington, DC and Denver metropolitan area positions
- GS-12 and above hiring requests

Deadlines for submission are the 1st and 15th of the month. The template may be submitted by the Bureau Director or Deputy Director. Excel templates should be emailed to Mary Pletcher, Deputy Assistant Secretary for Human Capital and Diversity (mary_pletcher@ios.doi.gov) and Office of Human Resources (doi_office_of_human_resources@ios.doi.gov). The Deputy Assistant Secretary for Human Capital and Diversity will review and coordinate the submission of bureau and office hiring requests to the Deputy Secretary. Meetings with Assistant Secretaries and Bureau and Office Directors will be scheduled on an as-needed basis to discuss DC/Denver waivers and GS-12 and above hiring requests.

Questions regarding guidance

Questions regarding this guidance should be submitted via email to:
doi_office_of_human_resources@ios.doi.gov.

To: Raymond Limon[raymond_limon@ios.doi.gov]
From: Pletcher, Mary
Sent: 2017-04-05T17:19:12-04:00
Importance: Normal
Subject: Fwd: Handouts for Workforce Reshaping CHCO Academy
Received: 2017-04-05T17:19:27-04:00
[Workforce Reshaping Website One Pager.pdf](#)
[CHCO Academy 4.6.17.pdf](#)

I'm assuming you received this?

Mary

----- Forwarded message -----

From: **CHCOC** <chcoc@opm.gov>
Date: Wed, Apr 5, 2017 at 3:45 PM
Subject: Handouts for Workforce Reshaping CHCO Academy
To: Workforce <Workforce@opm.gov>
Cc: CHCOC <chcoc@opm.gov>

Good afternoon (via Bcc),

Please see the attached materials which will be used during tomorrow's event. Copies will not be available, so you may wish to print a copy and bring it with you. We look forward to seeing you tomorrow!

Webcast registration is still open please visit
https://chcoacademy_workforcereshaping.eventbrite.com to register.

Regards,

Rich Snyder

Chief Human Capital Officers Council

Office of Personnel Management

--

Mary Pletcher

Department of the Interior

Deputy Assistant Secretary for Human Capital and Diversity

Chief Human Capital Officer

(202) 208-4505



CHCO Academy: OPM Workforce Reshaping Resources

Thursday, April 6, 2017

09:30 a.m. – 11:30 a.m.



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Agenda

Human Capital Planning and Workforce Analytics

Jason Barke, Employee Services

Strategic Evaluation of Human Capital Programs

Tim Heath, Merit Systems Audit and Compliance

Workforce Reshaping Process and Options

Kim Holden and Michael Mahoney, Employee Services

Break

Supporting the Workforce and Sustaining High Performance

Alexis Adams-Shorter, Employee Services

Supporting Federal Agencies in Meeting Mission Objectives

Leslie Pollack, Human Resources Solutions

Next Steps

Deborah Robinson, CHCO Council



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Support Strategy

- **Intake and Technical Assistance**

Expedite response to agencies' inquiries/questions, requests for authorities (e.g., VERA/VSIP), and requests for technical support/guidance

- **Tools and Resources**

Provide simplified guidance, tools, and resources on workforce reshaping, human capital planning, and sustaining high performance (including employee engagement)



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OPM.gov/reshaping



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[ABOUT](#) [POLICY](#) [INSURANCE](#) [RETIREMENT](#) [INVESTIGATIONS](#) [AGENCY SERVICES](#) [NEWS](#)

WORKFORCE Reshaping

[OPM.gov Main](#) > [Workforce Reshaping](#)

IN THIS SECTION

[Main](#)[Planning a Strategic Approach](#)[Implementing Reshaping Options](#)[Supporting the Workforce](#)[Sustaining High Performance](#)

RESHAPING

To meet the needs of the American people, the Federal Government should engage in continuous efforts to become more effective and efficient. Therefore, a continual cycle of workforce planning is required to determine how the Federal workforce can best fulfill the various missions entrusted to government. At times, an analysis of the workforce may reveal the need for new skills and types of work, the need for fewer or more positions in different places throughout the country, and the need to design new ways of working to leverage technology. Agency leaders and human resources practitioners can shape the



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Support Strategy (Continued)

- **Education**

Provide briefings, technical assistance sessions, and panels to include successful practices





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Human Capital Planning and Workforce Analytics

*How to approach the strategic workforce planning process and the evaluation
of workforce analytics using the new Human Capital Framework (HCF)*

Jason Barke

Employee Services

U.S. Office of Personnel Management





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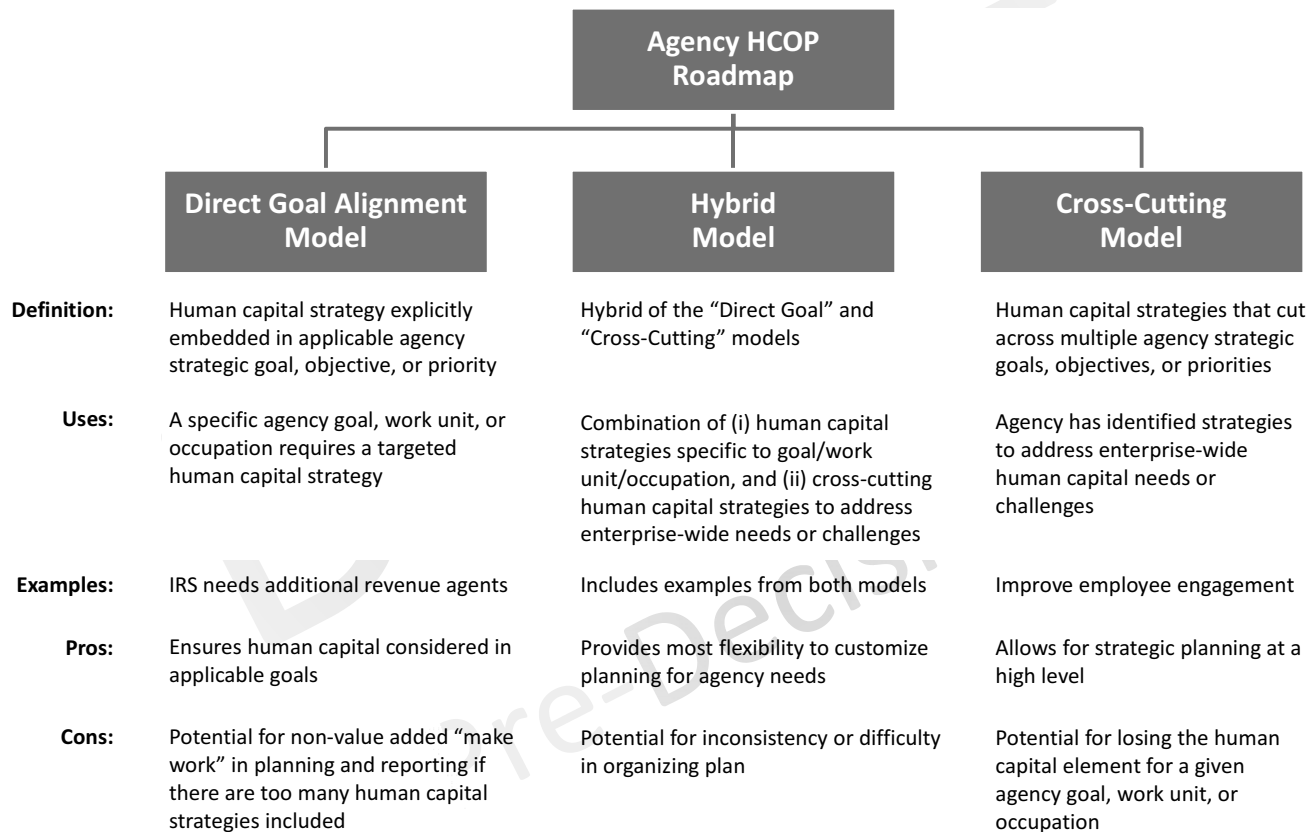
Four (4) General Implementation Requirements for Agencies in 5 CFR 250 (B)





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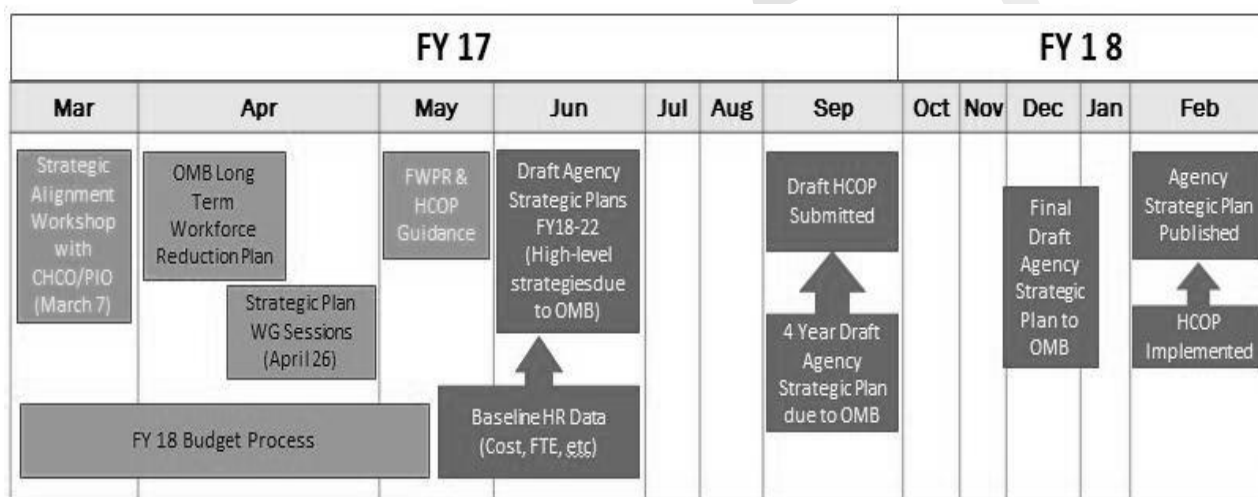
Roadmap and Models for HCOP Development





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Strategic Planning and Alignment Timeline



Legend (Action Leads)

OPM

OMB

Agency



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Workforce Planning

Workforce Planning:

- is the foundation for managing an organization's human capital and furthers an agency's ability to hire qualified individuals to pursue its mission;
- is a **systematic process for identifying and addressing any gaps between the workforce of today and the human capital needs of tomorrow**; and
- through this process, agency leadership identifies the human capital required to meet organizational goals, conducts analyses to identify and close competency and skills gaps, develops strategies to address human capital needs, and assesses the effectiveness of the organization's structure.

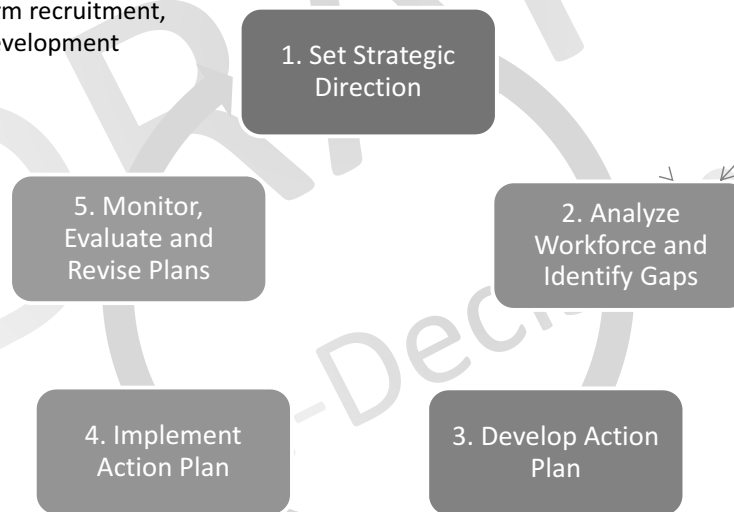
Human Capital Analytics allow agency leaders to more effectively manage the workforce and drive organizational performance. **Analytics can be used in a descriptive way to describe the state of the workforce and also in a predictive way that helps agency leaders to anticipate changes.**



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Workforce Planning Model

The Workforce Planning Model is a five-step process that aligns an organization's human capital program with its current and emerging mission and goals with the development and implementation of long-term recruitment, retention and employee development strategies.

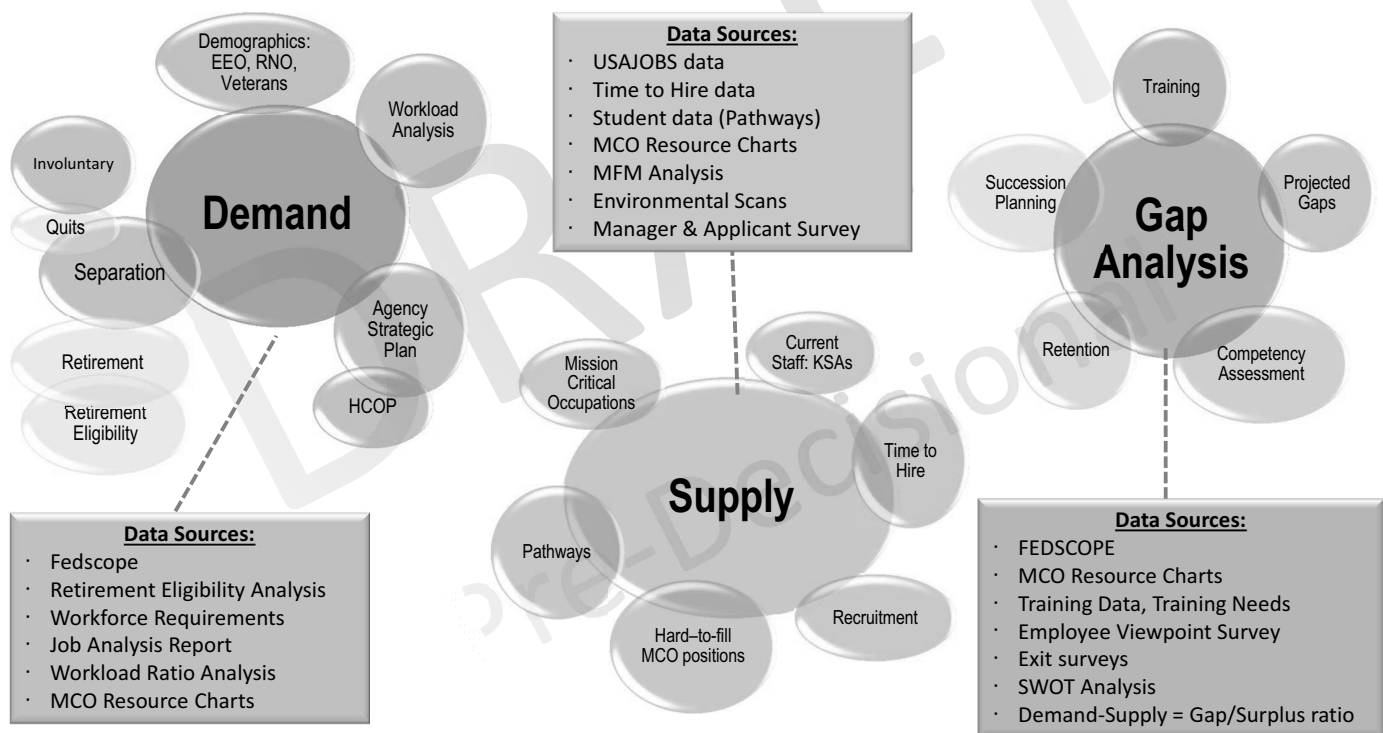


Workforce Analytics is the critical second step in the WFP Model.



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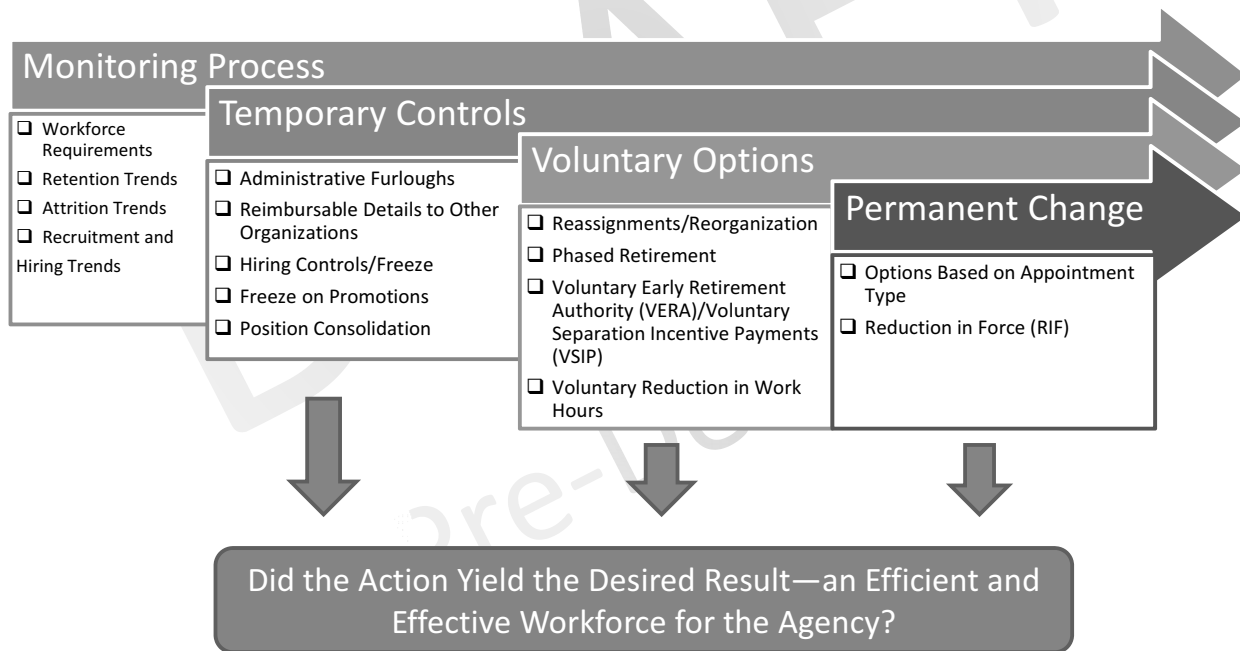
Workforce Planning Data





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Workforce Reshaping Options





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The Human Capital Framework (HCF)

An Introduction

DRAFT
pre-Decisional



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Background & History

- The **CHCO Act of 2002**, as codified in **5 U.S.C. 1103 (c)**, directs the Office of Personnel Management (OPM) to design and define in regulations a set of systems, including standards and metrics, for assessing the management of human capital by Federal agencies
- The **Human Capital Assessment & Accountability Framework (HCAAF)** was jointly issued by OPM, the Office of Management & Budget, and the Government Accountability Office in 2002 and codified in **5 CFR Part 250 (B)**
- 5 CFR Part 250 (B) includes an update of the HCAAF into the **Human Capital Framework (HCF)**



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HCAAF Revitalization

- OPM conducted a thorough analysis of the HCAAF including
 - Initial **goals and objectives** of the framework
 - The framework's **flexibility**
 - How **effectively** it has been used
 - Implementation **challenges**
- Data was obtained from subject matter experts through
 - Interviews
 - Questionnaire
 - Document/literature review
 - Roundtable meeting (public and private sector)
- Identified innovative approaches to ensure the framework continues to add value to Federal human capital professionals and program managers
- **Four systems** deemed to be more effective—Strategic Planning and Alignment, Performance Culture, Talent Management, and Evaluation



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Current Systems	Critical Success Factor	Recommendations	New Systems	Focus Areas
Strategic Alignment	Human Capital Planning	Keep in Strategic Planning and Alignment and Broaden Scope	Strategic Planning and Alignment	Agency Strategic Planning*
	Workforce Planning	Move to Talent Management		Annual Performance Planning*
	HC Best Practices and Knowledge Sharing	Keep in Strategic Planning and Alignment		Strategic Human Capital Planning
	HR as Strategic Partner	Keep in Strategic Planning and Alignment		HC Best Practices and Knowledge Sharing
Leadership and Knowledge Management	Leadership Succession Planning	Move to Talent Management and Broaden Scope		HR as a Strategic Partner
	Change Management	Move to Evaluation		Organizational Development
	Integrity and Inspiring Employee Commitment	Absorb into Leadership		Change Management
	Continuous Learning	Move to Performance Culture	Talent Management	Workforce Planning
	Knowledge Management	Move to Talent Management		Recruitment and Outreach
Results-Oriented Performance Culture	Communication	Absorb into Employee Engagement		Employee Development*
	Performance Appraisal	Absorb into Performance Mgmt		Leadership Development*
	Awards	Absorb into Performance Mgmt		Retention
	Pay for Performance	Absorb into Performance Mgmt		Knowledge Management
	Diversity Management	Keep in Performance Culture and Broaden Scope	Performance Culture	Engaged Employees*
	Labor/Management Relations	Keep in Performance Culture		Continuous Learning
Talent Management	Recruitment	Keep in Talent Management and Broaden Scope		Performance Management *
	Retention	Keep in Talent Management		Diversity and Inclusion
Accountability	Results	Absorb into Data-Driven Decision Making		Labor/Management Partnership
	Metrics	Absorb into Business Analytics		Work-Life
			Evaluation	Business Analytics*
				Data Driven Decision-Making *

Orange equals absorption into other critical success factor

*Denotes New Critical Focus Area



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HCF System Focus Areas



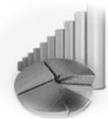
Strategic Planning

- Agency Strategic Planning
- Strategic Human Capital Planning
- HR as a Strategic Partner
- Annual Performance Planning
- Human Capital Best Practices and Knowledge Sharing
- Organizational Development
- Change Management



Talent Management

- Workforce Planning
- Recruitment and Outreach
- Employee Development
- Leadership Development
- Retention
- Knowledge Management



Evaluation

- Business Analytics
- Data Driven Decision-Making



Performance Culture

- Continuous Learning
- Performance Management
- Diversity and Inclusion
- Engaged Employees
- Labor/Management Partnership
- Work Life



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HCF Online Resource Center



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ABOUT

POLICY

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RETIREMENT

INVESTIGATIONS

AGENCY SERVICES

NEWS

OPM.gov Main > Policy > Human Capital Management

IN THIS SECTION

- Assessment & Selection
- Classification & Qualifications
- Data, Analysis & Documentation
- Disability Employment
- Diversity & Inclusion
- Employee Relations
- Epidemic Information
- Hiring Information
- Human Capital Management
- Strategic Planning & Alignment
- Talent Management
- Performance Culture
- Evaluation
- Hiring Reform
- Reference Materials
- Labor-Management Relations
- Oversight Activities

Human Capital Management

Overview Complex Adaptive Systems Human Capital Framework Structure Foundational Elements

Overview

The Office of Personnel Management (OPM) Human Capital Framework (HCF) provides comprehensive guidance on strategic human capital management in the Federal Government. The framework provides direction on human capital planning, implementation, and evaluation in the Federal environment. The HCF's flexible structure supports organizational agility and adaptability, which agencies need in order to function successfully in the 21st century's dynamic environment.

The HCF guides agencies to effectively manage an organization's talent by promoting the use of sound talent management practices. The Framework provides talent management strategies that support and shape an organization's current workforce, while preparing for the future. It provides guidance on evaluation techniques that measure progress and outcomes for program and policy effectiveness, and prepares organizations for change by providing a foundation for organizational agility.

5 CFR Part 250 – Personnel Management in Agencies

- Subpart B – Strategic Human Capital Management

RELATED INFORMATION



Take the Human Capital Framework Assessment

Does your agency hit the target when it comes to strategic human capital planning? Start

<https://crew.www.opm.gov/policy-data-oversight/human-capital-management/>



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Questions?

If you are viewing the webcast, please send your questions to workforce@opm.gov





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Strategic Evaluation of Human Capital Programs

*Understanding how human capital reviews can strengthen and focus efforts
to improve human capital programs and achieve critical agency objectives*

Tim Heath

**Merit Systems Audit and Compliance
U.S. Office of Personnel Management**





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Human Capital Reviews

- These reviews will be in-person meetings for agency human capital leaders to discuss the implementation and achievement of human capital goals, including risks, barriers, and successful practices.
- The reviews will serve as an opportunity for OPM to provide feedback to agencies, as well as identify and share practices and identify cross-cutting human capital challenges that warrant further attention.
- HCR guidance will be developed with input from the CHCO Council.



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The Need for Effective Evaluation Systems

- Evaluation is critical to the Human Capital Framework as agencies need to measure the success of their strategic plans and human capital management.
- Evaluation is a process and a system that operates at all levels to help the organization reach its goals.

Evaluation System Definition:

- A system that contributes to agency performance by monitoring and evaluating outcomes of its human capital management strategies, policies, programs, and activities.



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“Agencies Need to Get Savvy About Low-Cost Program Evaluation”

Government Executive

- With potentially reduced budgets, it more important than ever to get the most impact from every program dollar. To do that, agencies will need to use rigorous program evaluation to learn what works and what does not, and to improve program results.
- One key strategy is to make greater use of existing data that agencies already collect.
- Using existing data for evaluation is a major theme of the **Evidence-Based Policymaking Commission**, which was established by the bipartisan Evidence-Based Policymaking Commission Act of 2016.



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Human Capital Business Process

- A Human Capital Business Process outlines the activities of planning, implementing, assessing, informing, and improving the critical elements of the Human Capital Framework that ultimately drive performance and outcomes in each system.
- The intent of the Human Capital Business Process is to provide a systematic way to develop, track, report, and improve specific goals, objectives, and action items as they relate to the agency HR initiatives.



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Timothy.Heath@opm.gov



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Questions?

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Workforce Reshaping Process and Options

*An outline of the reshaping process and reshaping options including
Reduction-in-Force (RIF), Voluntary Early Retirement Authority (VERA) and
Voluntary Separation Incentive Payment Authority (VSIP)*

Kim Holden and Michael Mahoney
Employee Services
U.S. Office of Personnel Management





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Supporting the Workforce and Sustaining High Performance

How agencies can use training and work/life programs to keep employees engaged and meet the needs of the workforce during times of change

Alexis Adams, PhD

Employee Services

U.S. Office of Personnel Management





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Meeting Employee Needs During Times of Transition

- Times of transition present both opportunities and challenges. Change can bring on stress, a sense of uncertainty, and feelings of insecurity for employees.
- Creatively meeting employee needs in meaningful ways during times of change can improve employee engagement.



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Engagement Drivers

Analysis of Federal Employee Viewpoint Survey (FEVS) data shows specific factors support conditions for achieving an engaged workforce. These key drivers are the same across generations, supervisory status, military status, agency tenure, telework status, and those in mission-critical occupations.

1



Performance Feedback

provide meaningful, worthwhile, and constructive performance conversations

*(Q44, Q46, Q50)

2



Collaborative Management

promote and support collaborative communication and teamwork in accomplishing goals and objectives

*(Q58, Q59)

3



Merit System Principles

support fairness and protect employees from arbitrary actions, favoritism, political coercion, and reprisal

*(Q17, Q37, Q38)

4



Training and Development

target opportunities for employees to improve skills and enhance professional development, including training needs assessments

*(Q1, Q18)

5



Work/Life Balance

support employee needs to balance work and life responsibilities

*(Q42)

*2015 FEVS Questions



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What is Work-Life?

Work-life is the business practice of creating a flexible, supportive environment to engage employees and maximize organizational performance



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Work-Life Trends

Women in the
Workplace

Shifting
Gender Norms

Aging
Population

“Sandwich”
Caregivers

Millennial
Work
Preferences

“Time
Famine”



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Core Areas of Work-Life: Strategic Support for Employees

Workplace Flexibilities

Telework

Flexible Schedules

Leave Programs

Wellness

Worksite Health & Wellness

Employee Assistance Programs (EAPs)

Community Service

Family and Dependent Care

Child Care

Elder Care

Adult Dependent Care



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Employee Assistance Programs (EAPs)

- All Federal agencies are required by law to provide EAPs.
- EAPs help employees through life challenges that may adversely affect job performance, health, and personal well-being to optimize an organization's success.



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The Importance of Training and Development

- Thriving organizations rely on their people to perform consistently well. This can only be achieved if they are feeling engaged and motivated.
- Most people want to feel that they are doing a good job and that they are valued by their organization for the part they play.



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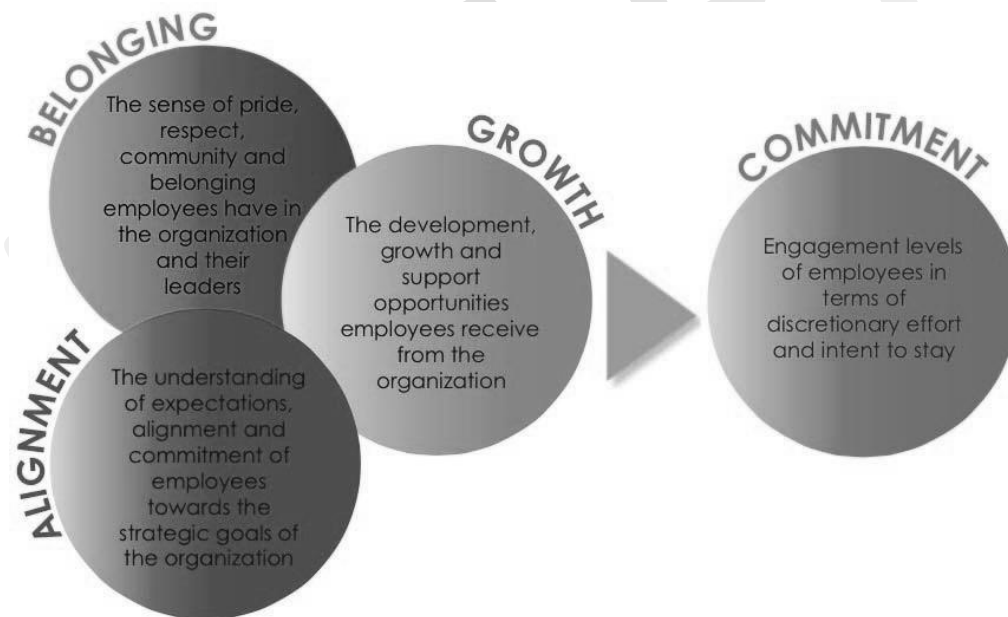
Effective Training and Development Opportunities

- Training and development must be linked to specific objectives.
- One-on-one meaningful conversations with staff is key.
- Ask people what they think and what they need and then discuss what is feasible.



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Critical Ingredients





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Benefits of Supporting Work-Life and Training & Development Opportunities

Employees

- Morale
- Health
- Work-life balance
- Reduced stress
- Improved focus
- Improved motivation
- Improved job satisfaction
- Financial savings
- Increased efficiency

Agencies

- Recruitment
- Retention
- Productivity
- Engagement
- Job Attitudes
- Diversity
- Cost savings

For reviews, see e.g., Beauregard and Henry (2009); Kelly et al. (2008)



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Questions?

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Supporting Federal Agencies in Meeting Mission Objectives

Learn more about how the internal human capital expertise of HR Solutions (HRS) and their private sector strategic partners can help agencies address human capital challenges

Leslie Pollack, PhD

Human Resources Solutions

U.S. Office of Personnel Management





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Questions?

If you are viewing the webcast, please send your questions to workforce@opm.gov





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Next Steps

Deborah Robinson

CHCO Council

U.S. Office of Personnel Management



OPM's Workforce Reshaping Resources

<http://www.opm.gov/reshaping>

To meet the needs of the American people, the Federal Government should engage in continuous efforts to become more effective and efficient. Therefore, a continual cycle of workforce planning is required to determine how the Federal workforce can best fulfill the various missions entrusted to government. At times, an analysis of the workforce may reveal the need for new skills and types of work, the need for fewer or more positions in different places throughout the country, and the need to design new ways of working to leverage technology. Agency leaders and human resources practitioners can shape the Federal workforce so that it is better able to serve the American people and fulfill the critical functions of governance. This website is designed to assist workforce reshaping efforts by providing available options and considerations.



Planning a Strategic Approach

How to Create a Workforce Plan that Supports Mission Accomplishment Using Human Capital Analytics

Workforce planning is the foundation for managing an organization's human capital and furthers an agency's ability to employ qualified individuals to pursue its mission. Through this process, agency leadership identifies the human capital required to meet organizational goals, conducts analyses to identify and close competency and skills gaps, develops strategies to address human capital needs, and assesses the effectiveness of the organization's structure. Workforce planning is also a critical part of the Federal budgeting process.

Resources are provided on the strategic workforce planning process, the use of human capital analytics and the design of effective and efficient organizations.

When agencies' mission and resource priorities change, strategic reshaping options are used to align the workforce with current or anticipated requirements. Reshaping may be required in response to a budgetary shortfall, the privatization of work, the transfer of work or other changes in priorities. Like workforce planning, reshaping involves steps to identify the situation and goals, select the best option, create a plan, and implement and monitor the changes.

Step-by-step guidance outlines the reshaping process and explains reshaping options, special considerations when recruiting and hiring during these periods of transition, and collective bargaining obligations.



Implementing Reshaping Options

How to Select and Use Workforce Reshaping Options to Maintain an Effective and Efficient Workforce



Supporting the Workforce

How to Support Employees during Change Using Transition Assistance Programs and Work-Life Resources



Sustaining High Performance

How to Use Employee Development and Performance Management to Maximize Employee Engagement and Accountability



Human Resources Solutions

How to Strategize, Acquire, Engage, and Transform Your Workforce with OPM's In-house Human Capital Consultants

Ms. Kathleen McGettigan
Acting Director
U.S. Office of Personnel Management
1900 E. Street, NW
Washington, DC 20415

Dear Ms. McGettigan:

I am writing to request an exception to the hiring freeze to fill the SES position of Associate Director for Workforce and Inclusion who is the senior executive in charge of workforce management for the bureau.

Critical Need

The Associate Director (AD) for Workforce and Inclusion (W&I) leads all workforce programs for the National Park Service's 20,000 FTE. Functions within W&I, include staffing, compensation, benefits, employee and labor relations, employee performance management, suitability and security clearances, workers compensation, learning and development, and youth programs. This position supervises a directorate with over 180 employees and provides policy oversight and direction to well over 200 more human resources staff in field servicing human resources offices across the Service. The position oversees a budget of over \$34 million and manages centralized benefits processing, classification and seasonal hiring for the bureau.

Reallocation of Existing Staff

The National Park Service currently has 27 career Senior Executive Service positions. Four of these positions, including the AD, W&I, are currently vacant. None of the encumbered senior executive positions can be vacated to provide an individual to serve in the AD Workforce position. Senior executives in the NPS are deputy directors, regional directors, park superintendents and associate directors with responsibility for all NPS functions such as natural resource management, facilities management and law enforcement. The NPS cannot reallocate an individual serving in one of these positions to the Associate Director for Workforce position without leaving a significant leadership vacuum in another part of the organization.

Urgency and Consequences

The NPS is dealing with a number of issues that make filling this position of critical importance to the bureau.

The bureau is working to design and implement a comprehensive sexual harassment response program in the wake of high-profile harassment cases in several parks across the Service. The House Committee on Oversight and Government Reform has held two hearings on the issue, and

has put the NPS on notice that this will continue to be a focus for their oversight of NPS activities.

The Office of Personnel Management recently completed a review of the NPS Human Resources program after auditing each of the bureau's 23 SHROs. OPM found a number of deficiencies related to compliance, HR staff competency and overall efficiency and effectiveness of the program. The NPS is required to develop a corrective action plan that is due in Spring 2017. Many of the actions OPM is requiring and recommending will mean significant changes to current NPS policy and procedures.

The NPS also anticipates significant challenges in managing the hiring freeze, and the longer-term workforce reduction plan that will likely follow. The AD, W&I position has been vacant since August, and the Deputy Associate Director position has been vacant since October. The bureau is not in a position to effectively respond to the challenges listed here without dedicated workforce management leadership. Allowing the senior executive position to remain vacant for up to 6 more months will likely result in long-term harm to the bureau's ability to accomplish its mission.

Sincerely,

James E. Cason
Acting Deputy Secretary

To: [REDACTED] (b)(6) gov [REDACTED] (b)(6) .gov]
From: Mashburn, Lori
Sent: 2017-09-21T13:45:41-04:00
Importance: Normal
Subject: DOI Report for 9/21/2017
Received: 2017-09-21T13:46:32-04:00
DAILY UPDATE FOR CABINET AFFAIRS 09-21-17.docx

DEPARTMENT OF THE INTERIOR DAILY UPDATE FOR CABINET AFFAIRS – 9/21/17

Lori Mashburn, White House Liaison

STATUS OF THE SECRETARY

TODAY: Springfield, MO - Ribbon Cutting Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ. Travel to Dallas, TX.

This Week:

9/22: Dallas, TX - Dinner Remarks at NRA Women's Leadership Forum Summit (Closed Press).

9/23 Austin, TX - tour and briefing of FEMA JFO & visit of Austin USGS office. Due to Austin visit, he is no longer attending the Wolf Trap Ball

STATUS OF THE DEPUTY SECRETARY

TODAY: The Deputy Secretary is in Washington, DC.

MEDIA TODAY

WH COMMS REPORT (new report filed Wednesday)

TV Hits:

- ☐ **Fox and Friends: Secretary Zinke joins Fox and Friends in NYC**

Press Inquiries:

- ☐ Many small inquiries and logistical inquiries.
- ☐ Many inquiries regarding monument review and the leaked memo** **All inquiries are being directed to the White House.**
- ☐ Multiple Inquiries** Associated Press: (Felicia Fonseca & Rod Mendes) –**REQUEST**-- I'm hoping for some clarification on this news release. We wrote about the Navajo Nation in 2013 being granted a presidential emergency declaration shortly after tribes were able to apply directly to the federal government, instead of through the states. I'm aware of one other tribe, the Eastern Band of Cherokee, also getting approved for an emergency declaration. What distinguishes the one granted to the Seminole Tribe? Is it the first issued by President Trump, or the first ever for a tribal nation, as stated below?—**RESPONSE**—The declarations for the Navajo and Eastern Band of Cherokees were " "major" disaster declarations whereas the one for the Seminole was an "emergency" declaration and was the first emergency declaration for a tribal nation.

Top Stories

- ☐ **USA TODAY:** [Ryan Zinke issues "shotgun showdown" at Interior](#)
- ☐ **Salt Lake Tribune:** [Frustrated tribal leaders wonder if Bears Ears is a national monument in name only](#)
- ☐ **Houston Herald:** [Interior secretary urges shrinking four national monuments](#)
- ☐ **The Missoulian:** [Zinke memo suggests monument status for Badger-Two Medicine](#)

Top Issues and Accomplishments

- ☐ Interior continues to support all Hurricane Harvey, Hurricane Irma, and Hurricane Maria efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- ☐ Today, Interior announced greater access for sportsmen and hikers in Arizona's Santa Teresa Mountains. The press release can be seen [HERE](#).
- ☐ Tomorrow, DOI will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 states and territories.
- ☐ Today, Secretary Zinke is in Springfield, Missouri, to participate in the opening of a new wildlife museum with Bass Pro Shops.
- ☐ Friday, Secretary Zinke will be in Dallas to speak at an NRA Convention for women members.
- ☐ Saturday, Secretary Zinke will be in Austin, Texas, to tour the FEMA Control Center and meet part of the USGS team assisting in Hurricane Harvey relief.

Top Issues and Accomplishments

- ☐ Interior continues to support all Hurricane Harvey and Hurricane Irma efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- ☐ Today, Interior announced the addition of the "Big Buck Hunter Pro" arcade game to the office cafeteria. The game is part of Departmental efforts to get employees involved and excited about this year's sportsmen season. The press release will be released shortly.
- ☐ Tomorrow, DOI will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 states and territories.
- ☐ Wednesday, Secretary Zinke will travel to Springfield, Missouri, to participate in the opening of a new wildlife museum with Bass Pro Shops.
- ☐ On Friday, Secretary Zinke will be in Dallas to speak at an NRA Convention for women members.

AGENCY MEDIA

WEEK AHEAD September 20 thru September 28, 2017 (Report from Wednesday, September 20)**U.S. Department of the Interior***Secretarial-level Announcements/Events/Interviews*

- The Secretary traveled to Missouri yesterday for several public events, including remarks at the Wonders of Wildlife Museum and Aquarium at the Bass Pro Shop headquarters. He dove into the aquarium and while underwater conducted a Q&A session with 5th graders. At the gala dinner tonight he signed a proclamation announcing October as Hunting and Fishing month.
- He travelled to Dallas, TX, and on Friday provide remarks at the NRA Women's Leadership Forum Summit (Closed Press). On Saturday he will tour and receive a briefing of FEMA's JFO for Houston.
- **September 25-26:** the Secretary will be in Washington, D.C., meeting with the President of the Federated States of Micronesia, speaking at the National Petroleum Council meeting, as well as meeting with various advocates and outside groups about the Horse and Burro issues. We don't expect any pro-active news at these.
- **September 27-29:** the Secretary is traveling to Gateway National Recreation Area in New Jersey and various National Park Assets in the Philadelphia area, including Valley Forge and meeting with County Commissions.
- **September 21: Department-level Release:** DOI and NPS will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 States, the Territories, and the District of Columbia for State-identified outdoor recreation and conservation projects.
- **September 22: Department-level Release:** DOI and BLM will announce the totals from all September oil and gas lease sales.

National Park Service

- ☐ **September 22: Local NPS Release:** NPS Pacific West Region announces the new superintendent of Redwood National & State Parks.
- ☐ **September 23:** Antifa activists are planning a demonstration at Arlington House, the Robert E. Lee Memorial (ARHO), and in the confederate section of Arlington National Cemetery, according to social media posts. The National Park Service and United States Park Police are coordinating with local law enforcement and Arlington National Cemetery. No additional details are available at this time.
- ☐ **September 25 (tent.): Local NPS Release:** The National Park Service will notify the public of the availability of Glacier National Park's Lake McDonald Properties Management Plan Environmental Assessment (EA). The EA will be available for a 30-day public review period. Following the public review, the park will prepare a formal

decision document. The EA analyzes alternatives to manage NPS-owned properties surrounding Lake McDonald, which includes buildings listed on the National Register of Historic Places. The proposed alternative includes management options for each property, including historic leasing, park or concessioner use, stabilization of properties or removal of buildings. Throughout the planning process, the park received local media and public interest with little to no controversy. Public comments were very supportive of historic leasing options.

- **September 25 (tent.): National BLM Release:** BLM will announce that it is seeking public nominations for open positions on 18 of its 36 Resource Advisory Councils (RACs). As published in a notice in the *Federal Register*, the BLM will consider nominations for 30 days.
- **September 27: Local NPS Release:** NPS will issue a news release regarding the independent review panel findings that Golden Gate National Recreation Area dog rule process was unaffected by inappropriate personal email use.
- **September 27:** The NPS National Capital Region's National Historic Landmark Program will host a stakeholder meeting as part of a joint research project underway by the NPS and the Organization of American Historians to identify potential National Historic Landmarks (NHLs) associated with Lesbian, Gay, Bisexual, Transgender & Queer (LGBTQ) history in the region. Invited stakeholders include state historic preservation offices, staff from selected NCR parks, local LGBTQ history representatives, and local governments' historic preservation staff.

U.S. Fish and Wildlife Service

- **September 22: Local FWS Release:** FWS plans to send to the Federal Register a final listing determination for the Kenk's amphipod, a crustacean from Maryland, Virginia and the District of Columbia. This action is not controversial. Stakeholders are the Center for Biological Diversity, Friends of the Capital Crescent Trail, Fort A.P. Hill, and the NPS.
- **September TBD: National FWS Release:** FWS will announce National Wildlife Refuge Week, which will take place October 8-14. Refuge Week is an annual celebration of the nation's wildlife conservation heritage and the national wildlife refuges that protect it. The timing provides notice for print and online media to announce the annual celebration and regional events for the public to plan ahead, as well as for the regions and refuges to begin preparing additional promotional information.

Bureau of Land Management

- **September 21: National BLM Release:** BLM-Eastern States will hold an online oil and gas lease sale for three parcels in Monroe County, OH, totaling 141.56 acres, and 3 parcels in Catahoula and Bienville Parishes, LA, totaling 50.15 acres. The sale in Ohio is expected to be controversial. Bidding is not expected to be robust.
- **September 21: National BLM Release:** BLM-WY will hold an online oil and gas lease sale for 141 parcels totaling 118,055.54 acres in Niobrara, Weston, Goshen, Crook, Converse, Campbell, Johnson, Fremont, Big Horn, Washakie, Weston, and Sheridan

Counties, WY. The sale is not expected to be controversial. Bidding is not expected to be robust.

- **September 25:** The 60-day public comment period for the proposed rule to rescind the BLM's 2015 Hydraulic Fracturing Rule will end. The BLM's proposal rule aligns with Administration priorities to seek ways to reduce regulatory burdens and compliance costs. The BLM will review the comments received and take appropriate actions to address those that are substantive. Publication of a final rule in the Federal Register is anticipated in December 2017 or January 2018.

- **September 25 (tent.): National BLM Release:** BLM will issue a release regarding their announcement to seek nominations for 18 of their 36 Resource Advisory Councils.

- **September 26:** BLM-MT Butte Field Manager Scott Haight and Geologist David Williams will meet with Jefferson County and Montana Department of Environmental Quality in Boulder, MT, to discuss the future of the Montana Tunnels mine site. Montana Tunnels is an open pit mine in Jefferson County that has been inactive since 2008. It is behind on the state's bond request and owes Jefferson Co. \$5 million in back taxes, and the site is deteriorating. The meeting is the first to discuss the future of the mine site, including topics of bonding and scope of what's needed for eventual reclamation and site stabilization. The mine is located on a mix of private and BLM lands.

Bureau of Reclamation

- **September 26:** U.S./Mexico Cooperative Process – Colorado River (“Minute 323”): Minute 323 of the Water Treaty with Mexico will be signed by the United States and Mexico commissioners of the International Boundary and Water Commission. On June 12, the Governor’s representatives from the seven Colorado River Basin States communicated to Secretary of the Interior Zinke their goal of finishing the drafting of the necessary U.S. (domestic) agreements needed to allow the U.S. and Mexico to finalize a cooperative agreement by mid-July (completion of these draft agreements would put the U.S. and Mexico in position to finalize a successor agreement to the current plan - known as Minute 319 - later this fall). The domestic agreements will also be signed on September 26. The State Department finalized consultations with the Senate Foreign Relations Committee in early August and is prepared to proceed when the Basin States clearances are complete. The State Department/IBWC will handle press.
- **September 27:** A ceremony celebrating the signing of Minute 323 to the 1944 Water Treaty with Mexico will occur on the opening day of biennial Colorado River Symposium in Santa Fe, New Mexico. Deputy Secretary of the Interior David Bernhardt will attend and offer brief remarks.

Office of Insular Affairs

- **September 25: National OIA Release:** OIA will issue a media read-out regarding the Federated States of Micronesia President Peter Christian Visit with the Secretary
- **September TBD:** OIA Release American Samoa Authorization to Proceed – Insular ABCs – Repairs in the Public Schools

- **September TBD:** FSM Compact Infrastructure and Technical Assistance ~ \$1.5 million
- **September TBD:** RMI Press Release Compact Infrastructure \$149,436; Ebeye Special Needs \$300,000; Health Care Program for 4 Atolls (Section 177) \$697,387
- **September TBD:** FY 2017 CIP Infrastructure funding for Guam and CNMI ~ \$10 million

Office of Wildland Fire

- **September 19-21:** National Association of State Foresters Annual Meeting in Charleston, WV. Director Bryan Rice and Communications GG will be attending to provide the Wildland Fire Committee update, representation, and outreach.

CONGRESSIONAL (new)

DOI TO TESTIFY BEFORE HOUSE HOMELAND SECURITY COMMITTEE: Michele Singer (Interior Business Center, Director) will testify at hearing titled "DHS Financial Systems: Will Modernization Ever Be Achieved?" The IBC has been involved with the financial system overhaul at DHS; however, the recommendations have not been adopted. HS Committee is doing an oversight hearing to determine what went wrong and the path forward. DOI will be testifying on their recommendations to DHS and their role throughout the process.

Timing: 10 AM, September 26, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

UPCOMING SENR HEARING: The Senate Energy and Natural Resources Subcommittee on National Parks will hold a hearing on Encouraging the Next Generation to Visit National Parks. The hearing has been officially noticed, and Lena McDowall, Deputy Director for Management and Administration, will be testifying.

Timing: September 27, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

UPCOMING SCIA HEARING: The Senate Committee on Indian Affairs is set to hold a hearing on the GAO's reports on human trafficking of American Indian and Alaska Natives in the United States. BIA is invited to discuss its law enforcement agencies' involvement in human trafficking investigations and partnerships with federal, state, local, and tribal law enforcement. This hearing was postponed from its initial date, July 26, 2017. Jason Thompson, the Acting Director of Justice Services, is tentatively set to testify.

Timing: September 27, 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

POLITICAL APPOINTEE UPDATE (no change)

DOI politicals on board = 56

3 confirmed as of 9/18.

4 nominated awaiting confirmation:

Pending Senate floor vote: Susan Combs, Assistant Secretary Policy Management and Budget.

Pending Senate floor vote: Brenda Berman, Commissioner, Bureau of Reclamation.

Pending Senate floor vote: Joe Balash, Assistant Secretary, Land and Minerals (Voted out of Committee 9/19)

Pending Senate floor vote: Ryan Douglas Nelson, Solicitor (Voted out of Committee 9/19)

Overall:

Schedule C: 32 of 68 onboard; 3 starting; 6 in process

NC-SES: 22 of 44 onboard; 2 starting; 4 in process

PAS: 3 Confirmed; 4 Announced; 15 of 17 Submitted to PPO

SECRETARY SPEAKING INVITATIONS

Accepted

9/20-21 - Ribbon Cutting, Wonders of Wildlife Museum & Aquarium Bass Pro HQ (Springfield, MO)

9/22-24 - NRA Women's Leadership Forum Summit (Dallas, TX)

9/25 - Remarks at National Stone Sand and Gravel Association Legislative and Policy Forum (DC)

9/25 – National Petroleum Council

9/26 – National Clean Energy Week Symposium (DC)

9/26 - Jefferson's Islands Club Citizen of the Year Award (DC)

9/27-28 - Cohen Veterans Care Summit (DC)

9/29 – Heritage Public Event (DC)

Oct (TBC date) - Weyrich Lunch (DC)

Open (date TBC)- Americans for Tax Reform (DC)

Open (date TBC)- Detroit Economic Club

Outstanding Invitations in Process

10/11 - Remarks at 2nd National Wildlife Refuge System Expo co-hosted by the Congressional Wildlife Refuge Caucus and the Cooperative Alliance for Refuge Enhancement (CARE) (DC)

10/15 - National Congress of American Indians 74 Annual Convention (Milwaukee, WI)

10/15-17 – Heritage Annual President's Club Meeting (DC)

10/16 - Carlsbad Mayor's Energy Summit (Carlsbad, NM)

10/20 - TXOGA Lone Star Energy Forum (Woodlands, TX)

10/26 - Montana Chamber Annual Meeting (Great Falls, MT)

Declining

9/23 - Southern Illinois Hunting & Fishing Days Inc. (Carterville, IL)

9/19-21 - Montana Wood Products Assn - Forest Resources Association Convention (Whitefish, MT)

9/21 - Associated Industries of Florida (AIF) (DC)

9/23 - Buffalo Bill Centennial Ball (Cody, Wyoming)

9/23 - National Mining Hall of Fame (Denver, CO)

9/26 - Billings Chamber Annual Mtg (Billings, MT)

9/26 - S&P Annual Asia Pacific Petroleum Conference (Singapore)

9/26 - GAO for international conference on extractive industries (DC)

9/28-30 - Council for National Policy

10/1-3 - New Mexico Oil and Gas Association (Santa Fe)

10/2 - IOGCC Annual Meeting (Pittsburgh PA)

10/3 – ShaleTech Permian (Odessa, Texas)

10/4 - NOIA Fall Meeting (Cody, WY)

10/13 - Public Land & Resources Law Review's Public Land Law Conference (Missoula, MT)

11/14 – George Rogers Clark National Historical Park Quarter Launch (Vincennes, Indiana)

10-16-17 Americans For Tax Reform Coalition Leaders Summit (Miami Beach, FL)

10/17 - National Association of Sporting Goods Wholesalers (San Antonio, TX)

10/31 - George B. Hartzog, Jr. Awards and Speaker Program Clemson University (SC)

11/9 - America First Energy Conference hosted by Heartland Institute (Houston, TX)

EMERGENCY MANAGEMENT (new)

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 70 miles to the north of Punta Cana, Dominican Republic, and moving to the northwest at 9 miles per hour (mph). This general motion is expected to continue through tonight and turn toward the north-northwest on Friday. Maria has reduced its force and is now a category 3 hurricane on the Saffir-Simpson Hurricane Wind Scale; however, Maria could possibly strengthen during the next day or so. Hurricane-force winds extend outward up to 60 miles from the storm's center, and tropical storm-force winds extend outward up to 150 miles.

Tropical storm and hurricane conditions are occurring over the Virgin Islands and will spread over Puerto Rico in the next few hours. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 6 to 9 feet above normal tide levels in portions of the Hurricane Warning area near Puerto Rico and the U.S. Virgin Islands.

Maria is expected to produce an additional 4 to 8 inches of rainfall in Puerto Rico and an additional 2 to 4 inches in the U.S. and British Virgin Islands. This rainfall could cause life-threatening flash floods and mudslides. Several tornadoes are possible over Puerto Rico and

the U.S. Virgin Islands today.

Support updates to the interagency Hurricane Irma/Maria Response:

DOI currently has 53 and 152 personnel supporting 13 FEMA Mission Assignments (MA) in response to Hurricanes Maria and Irma, respectively.

NPS reports that their representative to the Federal Search and Rescue Coordination Group will arrive at FEMA Headquarters for duty at 9:00 a.m. EDT today.

DOI Maria Quick Response Teams (QRTs) 1 and 2 spent yesterday assisting other sheltering guests in Puerto Rico by providing medical assistance, conducting Search and Rescue efforts within the staging area, and assisting with secondary evacuation planning due to the threat of flooding and structure failure. QRT 3 is staged in Orlando, FL and preparing for deployment, tentatively scheduled for September 23. Fourteen (14) of 23 Law Enforcement Officers associated with the Direct Federal Assistance Mission to the Seminole Tribe of Florida are being reassigned to Maria QRT 4, while the remainder are to demobilize and return to home units.

Hurricane Maria Response:

NPS reports that priorities remain employee accountability and safety. Initial reports in the Caribbean indicate the island has suffered extensive damage and loss of power and communications to many areas. NPS employees have been instructed to communicate their status by 9:00 a.m. this morning via any means available. Employees at USVI are to report to the Virgin Island National Park's Visitor Center (VC) on St. John Island, if possible, at 9:00 a.m. local time. The Northeast Region (NER) Special Event Tactical Team (SETT) will make priority home visits to any employees who have not made contact by late morning today. The food and water request to benefit parks and support in the Caribbean for 8 pallets of food and 8 pallets of water has been processed and approved by FEMA. The supplies are awaiting pickup in San Juan. Currently, NPS has accounted for 81 employees and family members in Puerto Rico, St. John and St. Croix in the USVI. Reports from St. Thomas are still pending at this time. The EIMT reports that all personnel relocated from St. Croix and St. John to San Juan are accounted for.

FWS has accounted for 15 of the 60 personnel in Puerto Rico and the U.S. Virgin Islands (USVI). There are 57 personnel in Puerto Rico, which includes personnel from Vieques and Culebra National Wildlife Refuges (NWR) and 3 personnel in the USVI. Power outages and degraded communications have contributed to the inability to make full accountability to date. Southeast Region 4 is in the process of establishing teams to assist personnel and stations in Puerto Rico and the USVI.

USGS maintains 31 personnel sheltering in place in Puerto Rico. USGS does not have any personnel in the USVI. USGS has 13 temporary sensors deployed on the south and east coasts of Puerto Rico. The USGS Earthquake Hazards Program is monitoring the status of the Puerto Rico Seismic Network (PRSN). Several supporting seismic stations have been damaged or are offline in the USVI Islands from impacts of Irma and Maria.

Hurricane Irma Response:

FWS reports that the Southeast Incident Management Team (IMT) continues stabilization efforts in Florida. This includes debris removal, excavation activities, roofing, and tarping housing structures. As of September 20, the IMT has completed 80% of stabilization efforts, and an additional one or two days of general cleanup efforts remain.

BIA reports that the Big Cypress Reservation shelter is open with 12 occupants. Power has returned to the Immokalee Reservation. The Immokalee Point of Distribution (POD) location has closed, and its supplies have been transferred to the Big Cypress POD, which is still operational. Power has been restored to all Seminole Reservations with the exception of Big Cypress and one mobile home park in the Hollywood Reservation.

USGS reports that 54 gages have been repaired to date. In Florida, 12 personnel were in the field repairing gages and taking discharge measurements. To date, 162 discharge measurements have been performed in response to Irma.

Hurricane Harvey Response:

There continue to be 56 DOI personnel currently supporting 5 FEMA Mission Assignments for Harvey response and recovery. Twenty of these were USGS personnel in the field yesterday flagging and surveying HWMs in Texas.

Wildland Fire Updates:

The Sprague Fire burning in Glacier National Park, MT, (NPS) has burned 16,790 (no change) acres and is 75 (no change)-percent contained. The fire is managed by a Type-2 IMT with 163 (-13) personnel, including 61 (+1) DOI personnel. There are 252 (no change) residential structures threatened. The fire poses a significant threat to hundreds of structures in the area, of which, 149 structures are listed on the National Register of Historic Places. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today. Full containment is expected on November 1.

OUTSIDE MEDIA OF INTEREST (new)

Gov. Hogan Twitter feed on the B-W parkway

Baltimore Sun: \$9 billion highway project would widen 3 major Maryland roadways with toll lanes, Hogan says

CBS Baltimore: Hogan Announces \$9B Plan To Widen I-270, Capital Beltway, BW Parkway

BALTIMORE (WJZ) — Three major Maryland thoroughfares that drivers have been complaining about for years may be widened thanks to a \$9 billion traffic relief plan announced by Governor Larry Hogan's office Thursday.

The administration plans to add new lanes to I-270, I-495 and the Baltimore-Washington Parkway. Hogan's office is calling it the Traffic Relief Plan largest public-private partnership plan in North America.

"Today's announcement officially begins the process to solicit the Public-Private Partnership (P3) industry for input and solutions to provide major congestion relief to these key transportation routes," a release says.

"With the total project estimated value at \$9 billion, the P3 portion to add four new lanes on both I-495 and I-270 is the largest proposed P3 highway project in North America. The P3 will be seeking private developers to design, build, finance, operate, and maintain new lanes on I-495 between the American Legion Bridge and the Woodrow Wilson Bridge and on I-270 between I-495 and I-70. Once completed, the Traffic Relief Plan will deliver new express toll lanes, in addition to existing lanes, on I-495, I-270, and MD 295."

Interior Secretary Ryan Zinke Swims With The Sharks At Wonders Of Wildlife.

The Springfield (MO) News-Leader (9/20, Zhu) reports that Interior Secretary Ryan Zinke "went scuba diving with sharks Wednesday at Wonders of Wildlife." Zinke also "fielded questions from more than 40 students seated in front of the tank." Zinke encouraged the group of fifth-grade students "to continue learning about and practicing conservation." He said, "I've been to 60 or 70 countries and nobody has the treasures that we have here in the United States. We should be proud."

KTOO (AK) Public Media: Interior official says Trump administration has the 'guts' to allow oil exploration in ANWR

Elizabeth Harball

September 20, 2017

During a speech in Anchorage today, a top Interior Department official said kick-starting oil development in the Arctic National Wildlife Refuge, or ANWR, is a priority for the Trump administration. "The untapped potential of ANWR is significant. But it is the Trump administration that had the guts to step up to the plate and facilitate production," Vincent DeVito, the Interior Department's Counselor for Energy Policy, told a conference for ocean researchers in Anchorage today. DeVito occupies a new post created by the Trump Administration, advising Interior Secretary Ryan Zinke on developing oil and other resources from federal land and waters.

Democrat Raises Concerns Over Accuracy Of Zinke's Report.

Politico Morning Energy (9/20, Adragna) reports that a BLM official said during an Energy and Natural Resources Committee hearing Tuesday that "the agency did not fact check Interior Secretary Ryan Zinke's report on national monuments before it went to the White House for review." Sen. Martin Heinrich "originally raised questions about 'more than a few simple factual errors included' in Zinke's analysis." John Ruhs, BLM's acting deputy director of operations, "then said his agency was 'not part of the writing of the reports' but 'did answer questions and provide data as necessary.'"

VA, Interior Detail Workforce Reductions And Consolidations Under Gov't Reorganization.

Federal News Radio (DC) (9/20, Ogrysko) reports that "lawmakers interested in moving some federal entities out of the Washington, D.C. area may already get their wish — without much heated public debate." The departments of Veterans Affairs and Interior are "already moving some federal employees with customer-facing jobs out of D.C. and to consolidated offices in the field." The article says that "many of the Interior Department's proposed actions for reorganization will require congressional approval, but the agency also sees employee reassignments and relocations as a key aspect of its plan." Interior has "asked the Office of Personnel Management and OMB for a 'very broad' VERA/VSIP authority in effort to shrink the size of its workforce and move more people from their positions in Washington out to field offices."

Agencies Steer Clear Of RIFs In Reorg Plans.

Federal Computer Week (9/20, Gunter) reports that "agencies say they can meet White House government reorganization principles and fall in line with their fiscal year 2018 budgets by reducing the workforce through attrition and reclassifying employees, rather than layoffs." Raymond Limon, deputy chief human capital officer at the Interior Department, "said his agency isn't going into the reorganization with the mindset of cutting personnel, 'but we're always going to work to our budget, no doubt about it.'" He said, "Numerically, we don't have necessarily have a target, but it's kind of that expectation that if work can be performed in the field, we should do it."

Climate Change Ruling Could Affect Other Fossil Fuel Projects.

Bloomberg BNA (9/21) reports that energy experts says the decision by an appeals court ordering the federal government to "rethink the climate change impacts of two giant coal mines" establishes "an argument that could be tested nationwide in other courts to challenge any fossil fuel-related project that might have climate change effects." Although the order applied to a pair of Wyoming coal mines, experts say natural gas pipelines, oil sand pipelines, coal railroads, and coal export terminals could all face renewed scrutiny in the future.

Delta Tunnels Project Imperiled After Westlands Rejection.

The Sacramento (CA) Bee (9/21, Kasler, Sabalow) reports that "shellshocked by an influential farm irrigation district's refusal to help pay for the Delta tunnels, advocates of the \$17.1-billion project were scrambling Wednesday to salvage it or conjure up a Plan B." According to the article, "three possible options were floated by California water policymakers for reviving the proposal." However, "all of them face substantial hurdles of their own."

The Sacramento (CA) Bee (9/20) editorializes that "without some version of the California WaterFix, the Sacramento-San Joaquin River Delta, a rich and vastly re-engineered resource, will continue to decline and diminishing fisheries will dwindle further." It urges California Gov. Jerry Brown to "look for alternatives."

Environmentalists, Ranchers Trade Barbs In Killing Of Mexican Gray Wolf.

Cronkite News (9/20, Windes) reports that "environmentalists and livestock owners are pointing fingers after government agents killed an endangered Mexican gray wolf last month for preying on cattle, the first wolf killed for depredation in 10 years." According to the article, "a Fish and Wildlife Service memo justifying the 'lethal control' of the wolf found one calf had been 'killed by wolves, one was probably killed by wolves, and a third (cow) died of natural causes' on Aug. 2." The article says that "ranchers welcomed the action, saying Fish and Wildlife 'was finally making a good decision.'" However, "environmentalists say ranchers are at least partly to blame for failing to remove the

carcass of the cow that died of natural causes, attracting wolves from the 'Diamond pack' that would otherwise have kept their distance."

National Parks To Waive Entrance Fees Sept. 30 For National Public Lands Day.

The Deseret (UT) News (9/20) reports that the National Park Service will "offer free admission to parks across the country Saturday, Sept. 30, as part of National Public Lands Day." National Public Lands Day, "held annually on the fourth Saturday in September, is the nation's largest, single-day volunteer event for public lands."

Police Arrest Man Accused Of Vandalizing The Lincoln Memorial With A Penny.

The Washington Post (9/19, Moyer) reports that "a man was arrested Monday after police say he vandalized the Lincoln Memorial." A U.S. Park Police officer "observed the man about 1 p.m. using a penny to scrawl the letters 'HYPT MAEK' on the fifth pillar on the north side of the memorial, authorities said." The man, "identified as 21-year-old Nurtilek Bakirov, of Kyrgyzstan, was arrested and charged with malicious destruction of property."

All Of Puerto Rico Without Power As Hurricane Maria Makes Landfall.

Hurricane Maria made landfall in Puerto Rico Wednesday causing extensive damage. All three network news broadcasts led with the story Wednesday evening and it garners heavy print coverage this morning. Much of the coverage focuses on the devastation in Puerto Rico, but damage to Dominica and the storm's path towards the Dominican Republic and Turks and Caicos also garner coverage.

NBC Nightly News (9/20, lead story, 3:15, Holt) reported in its lead story that in Puerto Rico "hundreds of homes are damaged or destroyed, streets are flooded, and 100 percent of that US island is without power after Hurricane Maria slammed ashore with 155-mile-an-hour winds." In its lead story, the CBS Evening News (9/20, lead story, 2:25, Mason) reported that Maria made landfall "as a Category 4 and touched off catastrophic flooding. The storm is moving away from Puerto Rico tonight, toward the Dominican Republic, and tomorrow, the Bahamas." CBS (Begnaud) added that "despite the devastation, no deaths or injuries have been reported, so far." Puerto Rico Gov. Ricardo Rossello "is telling people to stay calm, but he's warning that the island is on the verge of losing communication." Rossello "is asking for generators to be shipped from the mainland here to the island to help restore power as a dusk-to-dawn curfew has just gone into effect."

ABC World News Tonight (9/20, lead story, 2:55, Oquendo) reported in its lead story that Puerto Rico's emergency management director says "the entire island is destroyed." Many homes on the island were "not built to withstand any hurricane, let alone a Category 4." According to officials, "many areas will be uninhabitable for weeks, maybe even months." Rossello said on CNN's Anderson Cooper 360 (9/20), "The damage is very extensive. It is nothing short of a major disaster. We have a lot of flooding, a lot of infrastructure damage. Our tell communications system is partially down. Our energy infrastructure is completely down."

The New York Times (9/20) reports that while Rossello said "more than 500 shelters had been opened...he could not vouch for the storm-worthiness of all of those structures." In what the Wall Street Journal (9/20, De Córdoba, De Avila) calls an apparent effort to prevent looting, Rossello announced via tweet that he is imposing a 6 p.m. to 6 a.m. curfew from Wednesday to Saturday. Rossello wrote, "I am making a call for calm, understanding and prudence during these difficult days for Puerto Rico."

The Los Angeles Times (9/20, Hennessy-Fiske, Lee) reports that a statement from the White House

said “that President Trump is continuing to monitor the situation and that he and First Lady Melania Trump ‘send their thoughts and prayers to all those in harm’s way.’” White House press secretary Sarah Sanders said on [Fox News’ Fox & Friends](#) (9/20), “FEMA Director Brock Long has been working alongside all the state and local officials really trying to make sure we put as many resources in place as possible. Thanks to technology we have a lot more leeway on the front end of a lot of these storms that are allowing us to preposition resources. The federal government is doing all we can to help people in both, you know, Puerto Rico, the US Virgin Islands and other surrounding islands as these storms are moving in.”

The [Washington Post](#) (9/20, Schmidt) says recovery efforts “could be hampered by long-standing financial problems that led the territorial government to file for a form of bankruptcy in May.” Puerto Rican Rep. Jennifer Gonzalez-Colon expressed a similar concern on [CNN’s The Lead](#) (9/20), saying, “I spoke last night with Vice President Mike Pence and FEMA Director Brock Long and other members of cabinet regarding how are we going to put Puerto Rico back on track considering the financial situation Puerto Rico got in the recent years. And, thank God, Vice President Pence conveyed the message of the President of the United States and the whole government is going to be helping out the island. As a matter of fact, there are more than 400 rescue teams and federal employees from all over the nation waiting until it is safe to go outside and begin the search and rescue already on the island.”

The [Washington Post](#) (9/20, Faiola) reports that a “direct hit” by Maria “caused massive damage to homes and buildings, washed out roads, upended water pipelines and left at least seven people dead” in Dominica. According to official estimates, “70 to 80 percent of Dominica’s structures sustained storm damage, ranging from ripped-off roofs to near-total destruction.” The Post adds that “intact public buildings were being converted into emergency shelters for scores of homeless residents.”

[ABC World News Tonight](#) (9/20, story 2, 0:55, Muir) reported that Maria’s center is currently about 75 miles east of the Dominican Republic. While it’s a category two storm, it “may very well strengthen” as it heads to Turks and Caicos. Al Roker said on [NBC Nightly News](#) (9/20, story 3, 1:00, Holt) that the Dominican Republic will get “four to six feet of surge, 8 to 16 inches of rain.” Turks and Caicos, meanwhile, “may be the next really big devastated area with 125 mph winds, a storm surge of nine to 12 feet and nine to 16 inches.”

FEDERAL REGISTER LISTINGS: (new)

Items were cleared for the FR on Wednesday.

REG0007373 BLM Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 106959 and NDM 106960, North Dakota -- The BLM informs the public that Bakken Production Inc., AGRI Properties LLP, and Southfork Oil LLC filed a petition under the Mineral Leasing Act of 1920 for reinstatement of two expired oil and gas leases in Bottineau County, North Dakota. The BLM is proposing to reinstate the leases because the lessees have met the statutory requirements for reinstatement. Notice 09/20/2017

REG0007374 BLM Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 94704, NDM 94705 and NDM 94706, North Dakota -- The BLM informs the public that Emerald WB LLC and Continental Resources, Inc. filed a petition under the Mineral Leasing Act of 1920 for reinstatement of three expired oil and gas leases in McKenzie County, North Dakota. The BLM is proposing to reinstate the leases because the lessees have met the statutory requirements for reinstatement. Notice 09/20/2017

REG0007375 BLM Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 98547 and NDM 104389, North Dakota -- The BLM informs the public that OXY USA Inc. filed a petition under the Mineral Leasing Act of 1920 for reinstatement of two expired oil and gas leases in Mountrail County, North Dakota. The BLM is proposing to reinstate the leases because the lessee has met the statutory requirements for reinstatement. Notice 09/20/2017

REG0007368 FWS Intent to Initiate Rulemaking - Refuge-Specific Regulation; Public Use; Kenai National Wildlife Refuge -- The Fish and Wildlife Service announces its intent to initiate a rulemaking process to consider changes to 2016 regulations applicable to Kenai National Wildlife Refuge public use. The regulations are codified in 50 CFR part 36. Notice 09/20/2017

REG0007420 NPS Notice of Public Meetings: National Park Service Alaska Region Subsistence Resource Commissions -- Meeting dates: Kobuk Valley, Oct. 2-3; Aniakchak, Oct. 3-4; Cape Krusenstern, Oct. 4-5; Lake Clark, Oct. 4; Denali, Oct. 11; Wrangell-St. Elias, Oct. 26-27; and Gates of the Arctic, Nov. 14-15. Notice 09/20/2017

Lori K. Mashburn
White House Liaison
Department of the Interior
202.208.1694

DEPARTMENT OF THE INTERIOR DAILY UPDATE FOR CABINET AFFAIRS – 9/21/17

Lori Mashburn, White House Liaison

STATUS OF THE SECRETARY

TODAY: Springfield, MO - Ribbon Cutting Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ. Travel to Dallas, TX.

This Week:

9/22: Dallas, TX - Dinner Remarks at NRA Women's Leadership Forum Summit (Closed Press).

9/23 Austin, TX - tour and briefing of FEMA JFO & visit of Austin USGS office. Due to Austin visit, he is no longer attending the Wolf Trap Ball

STATUS OF THE DEPUTY SECRETARY

TODAY: The Deputy Secretary is in Washington, DC.

MEDIA TODAY

WH COMMS REPORT (new report filed Wednesday)

TV Hits:

- Fox and Friends: Secretary Zinke joins Fox and Friends in NYC

Press Inquiries:

- Many small inquiries and logistical inquiries.
- Many inquiries regarding monument review and the leaked memo** **All inquiries are being directed to the White House.**
- Multiple Inquiries** Associated Press: (Felicia Fonseca & Rod Mendes) **—REQUEST—** I'm hoping for some clarification on this news release. We wrote about the Navajo Nation in 2013 being granted a presidential emergency declaration shortly after tribes were able to apply directly to the federal government, instead of through the states. I'm aware of one other tribe, the Eastern Band of Cherokee, also getting approved for an emergency declaration. What distinguishes the one granted to the Seminole Tribe? Is it the first issued by President Trump, or the first ever for a tribal nation, as stated below?—**RESPONSE—**The declarations for the Navajo and Eastern Band of Cherokees were "major" disaster declarations whereas the one for the Seminole was an "emergency" declaration and was the first emergency declaration for a tribal nation.

Top Stories

- **USA TODAY:** Ryan Zinke issues "shotgun showdown" at Interior
- **Salt Lake Tribune:** Frustrated tribal leaders wonder if Bears Ears is a national monument in name only
- **Houston Herald:** Interior secretary urges shrinking four national monuments
- **The Missoulian:** Zinke memo suggests monument status for Badger-Two Medicine

Top Issues and Accomplishments

- Interior continues to support all Hurricane Harvey, Hurricane Irma, and Hurricane Maria efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- Today, Interior announced greater access for sportsmen and hikers in Arizona's Santa Teresa Mountains. The press release can be seen [HERE](#).
- Tomorrow, DOI will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 states and territories.
- Today, Secretary Zinke is in Springfield, Missouri, to participate in the opening of a new wildlife museum with Bass Pro Shops.
- Friday, Secretary Zinke will be in Dallas to speak at an NRA Convention for women members.

- Saturday, Secretary Zinke will be in Austin, Texas, to tour the FEMA Control Center and meet part of the USGS team assisting in Hurricane Harvey relief.

Top Issues and Accomplishments

- Interior continues to support all Hurricane Harvey and Hurricane Irma efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- Today, Interior announced the addition of the “Big Buck Hunter Pro” arcade game to the office cafeteria. The game is part of Departmental efforts to get employees involved and excited about this year’s sportsmen season. The press release will be released shortly.
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AGENCY MEDIA

WEEK AHEAD September 20 thru September 28, 2017 (Report from Wednesday, September 20)

U.S. Department of the Interior

Secretarial-level Announcements/Events/Interviews

- The Secretary traveled to Missouri yesterday for several public events, including remarks at the Wonders of Wildlife Museum and Aquarium at the Bass Pro Shop headquarters. He dove into the aquarium and while underwater conducted a Q&A session with 5th graders. At the gala dinner tonight he signed a proclamation announcing October as Hunting and Fishing month.
- He travelled to Dallas, TX, and on Friday provide remarks at the NRA Women's Leadership Forum Summit (Closed Press). On Saturday he will tour and receive a briefing of FEMA’s JFO for Houston.
- **September 25-26:** the Secretary will be in Washington, D.C., meeting with the President of the Federated States of Micronesia, speaking at the National Petroleum Council meeting, as well as meeting with various advocates and outside groups about the Horse and Burro issues. We don’t expect any pro-active news at these.
- **September 27-29:** the Secretary is traveling to Gateway National Recreation Area in New Jersey and various National Park Assets in the Philadelphia area, including Valley Forge and meeting with County Commissions.
- **September 21: Department-level Release:** DOI and NPS will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 States, the Territories, and the District of Columbia for State-identified outdoor recreation and conservation projects.
- **September 22: Department-level Release:** DOI and BLM will announce the totals from all September oil and gas lease sales.

National Park Service

- **September 22: Local NPS Release:** NPS Pacific West Region announces the new superintendent of Redwood National & State Parks.

- **September 23:** Antifa activists are planning a demonstration at Arlington House, the Robert E. Lee Memorial (ARHO), and in the confederate section of Arlington National Cemetery, according to social media posts. The National Park Service and United States Park Police are coordinating with local law enforcement and Arlington National Cemetery. No additional details are available at this time.
- **September 25 (tent.): Local NPS Release:** The National Park Service will notify the public of the availability of Glacier National Park's Lake McDonald Properties Management Plan Environmental Assessment (EA). The EA will be available for a 30-day public review period. Following the public review, the park will prepare a formal decision document. The EA analyzes alternatives to manage NPS-owned properties surrounding Lake McDonald, which includes buildings listed on the National Register of Historic Places. The proposed alternative includes management options for each property, including historic leasing, park or concessioner use, stabilization of properties or removal of buildings. Throughout the planning process, the park received local media and public interest with little to no controversy. Public comments were very supportive of historic leasing options.
- **September 25 (tent.): National BLM Release:** BLM will announce that it is seeking public nominations for open positions on 18 of its 36 Resource Advisory Councils (RACs). As published in a notice in the *Federal Register*, the BLM will consider nominations for 30 days.
- **September 27: Local NPS Release:** NPS will issue a news release regarding the independent review panel findings that Golden Gate National Recreation Area dog rule process was unaffected by inappropriate personal email use.
- **September 27:** The NPS National Capital Region's National Historic Landmark Program will host a stakeholder meeting as part of a joint research project underway by the NPS and the Organization of American Historians to identify potential National Historic Landmarks (NHLs) associated with Lesbian, Gay, Bisexual, Transgender & Queer (LGBTQ) history in the region. Invited stakeholders include state historic preservation offices, staff from selected NCR parks, local LGBTQ history representatives, and local governments' historic preservation staff.

U.S. Fish and Wildlife Service

- **September 22: Local FWS Release:** FWS plans to send to the Federal Register a final listing determination for the Kenk's amphipod, a crustacean from Maryland, Virginia and the District of Columbia. This action is not controversial. Stakeholders are the Center for Biological Diversity, Friends of the Capital Crescent Trail, Fort A.P. Hill, and the NPS.
- **September TBD: National FWS Release:** FWS will announce National Wildlife Refuge Week, which will take place October 8-14. Refuge Week is an annual celebration of the nation's wildlife conservation heritage and the national wildlife refuges that protect it. The timing provides notice for print and online media to announce the annual celebration and regional events for the public to plan ahead, as well as for the regions and refuges to begin preparing additional promotional information.

Bureau of Land Management

- **September 21: National BLM Release:** BLM-Eastern States will hold an online oil and gas lease sale for three parcels in Monroe County, OH, totaling 141.56 acres, and 3 parcels in Catahoula and Bienville Parishes, LA, totaling 50.15 acres. The sale in Ohio is expected to be controversial. Bidding is not expected to be robust.

- **September 21: National BLM Release:** BLM-WY will hold an online oil and gas lease sale for 141 parcels totaling 118,055.54 acres in Niobrara, Weston, Goshen, Crook, Converse, Campbell, Johnson, Fremont, Big Horn, Washakie, Weston, and Sheridan Counties, WY. The sale is not expected to be controversial. Bidding is not expected to be robust.
- **September 25:** The 60-day public comment period for the proposed rule to rescind the BLM's 2015 Hydraulic Fracturing Rule will end. The BLM's proposal rule aligns with Administration priorities to seek ways to reduce regulatory burdens and compliance costs. The BLM will review the comments received and take appropriate actions to address those that are substantive. Publication of a final rule in the Federal Register is anticipated in December 2017 or January 2018.
- **September 25 (tent.): National BLM Release:** BLM will issue a release regarding their announcement to seek nominations for 18 of their 36 Resource Advisory Councils.
- **September 26:** BLM-MT Butte Field Manager Scott Haight and Geologist David Williams will meet with Jefferson County and Montana Department of Environmental Quality in Boulder, MT, to discuss the future of the Montana Tunnels mine site. Montana Tunnels is an open pit mine in Jefferson County that has been inactive since 2008. It is behind on the state's bond request and owes Jefferson Co. \$5 million in back taxes, and the site is deteriorating. The meeting is the first to discuss the future of the mine site, including topics of bonding and scope of what's needed for eventual reclamation and site stabilization. The mine is located on a mix of private and BLM lands.

Bureau of Reclamation

- **September 26:** U.S./Mexico Cooperative Process – Colorado River ("Minute 323"): Minute 323 of the Water Treaty with Mexico will be signed by the United States and Mexico commissioners of the International Boundary and Water Commission. On June 12, the Governor's representatives from the seven Colorado River Basin States communicated to Secretary of the Interior Zinke their goal of finishing the drafting of the necessary U.S. (domestic) agreements needed to allow the U.S. and Mexico to finalize a cooperative agreement by mid-July (completion of these draft agreements would put the U.S. and Mexico in position to finalize a successor agreement to the current plan - known as Minute 319 - later this fall). The domestic agreements will also be signed on September 26. The State Department finalized consultations with the Senate Foreign Relations Committee in early August and is prepared to proceed when the Basin States clearances are complete. The State Department/IBWC will handle press.
- **September 27:** A ceremony celebrating the signing of Minute 323 to the 1944 Water Treaty with Mexico will occur on the opening day of biennial Colorado River Symposium in Santa Fe, New Mexico. Deputy Secretary of the Interior David Bernhardt will attend and offer brief remarks.

Office of Insular Affairs

- **September 25: National OIA Release:** OIA will issue a media read-out regarding the Federated States of Micronesia President Peter Christian Visit with the Secretary
- **September TBD:** OIA Release American Samoa Authorization to Proceed – Insular ABCs – Repairs in the Public Schools
- **September TBD:** FSM Compact Infrastructure and Technical Assistance ~ \$1.5 million

- **September TBD:** RMI Press Release Compact Infrastructure \$149,436; Ebeye Special Needs \$300,000; Health Care Program for 4 Atolls (Section 177) \$697,387
- **September TBD:** FY 2017 CIP Infrastructure funding for Guam and CNMI ~ \$10 million

Office of Wildland Fire

- **September 19-21:** National Association of State Foresters Annual Meeting in Charleston, WV. Director Bryan Rice and Communications GG will be attending to provide the Wildland Fire Committee update, representation, and outreach.

CONGRESSIONAL (new)

DOI TO TESTIFY BEFORE HOUSE HOMELAND SECURITY COMMITTEE: Michele Singer (Interior Business Center, Director) will testify at hearing titled "DHS Financial Systems: Will Modernization Ever Be Achieved?" The IBC has been involved with the financial system overhaul at DHS; however, the recommendations have not been adopted. HS Committee is doing an oversight hearing to determine what went wrong and the path forward. DOI will be testifying on their recommendations to DHS and their role throughout the process.

Timing: 10 AM, September 26, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

UPCOMING SENR HEARING: The Senate Energy and Natural Resources Subcommittee on National Parks will hold a hearing on Encouraging the Next Generation to Visit National Parks. The hearing has been officially noticed, and Lena McDowall, Deputy Director for Management and Administration, will be testifying.

Timing: September 27, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

UPCOMING SCIA HEARING: The Senate Committee on Indian Affairs is set to hold a hearing on the GAO's reports on human trafficking of American Indian and Alaska Natives in the United States. BIA is invited to discuss its law enforcement agencies' involvement in human trafficking investigations and partnerships with federal, state, local, and tribal law enforcement. This hearing was postponed from its initial date, July 26, 2017. Jason Thompson, the Acting Director of Justice Services, is tentatively set to testify.

Timing: September 27, 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

POLITICAL APPOINTEE UPDATE (no change)

DOI politicals on board = 56

3 confirmed as of 9/18.

4 nominated awaiting confirmation:

Pending Senate floor vote: Susan Combs, Assistant Secretary Policy Management and Budget.

Pending Senate floor vote: Brenda Berman, Commissioner, Bureau of Reclamation.

Pending Senate floor vote: Joe Balash, Assistant Secretary, Land and Minerals (Voted out of Committee 9/19)

Pending Senate floor vote: Ryan Douglas Nelson, Solicitor (Voted out of Committee 9/19)

Overall:

Schedule C: 32 of 68 onboard; 3 starting; 6 in process

NC-SES: 22 of 44 onboard; 2 starting; 4 in process

PAS: 3 Confirmed; 4 Announced; 15 of 17 Submitted to PPO

SECRETARY SPEAKING INVITATIONS

Accepted

9/20-21 - Ribbon Cutting, Wonders of Wildlife Museum & Aquarium Bass Pro HQ (Springfield, MO)
9/22-24 - NRA Women's Leadership Forum Summit (Dallas, TX)
9/25 - Remarks at National Stone Sand and Gravel Association Legislative and Policy Forum (DC)
9/25 – National Petroleum Council
9/26 – National Clean Energy Week Symposium (DC)
9/26 - Jefferson's Islands Club Citizen of the Year Award (DC)
9/27-28 - Cohen Veterans Care Summit (DC)
9/29 – Heritage Public Event (DC)
Oct (TBC date) - Weyrich Lunch (DC)
Open (date TBC)- Americans for Tax Reform (DC)
Open (date TBC)- Detroit Economic Club

Outstanding Invitations in Process

10/11 - Remarks at 2nd National Wildlife Refuge System Expo co-hosted by the Congressional Wildlife Refuge Caucus and the Cooperative Alliance for Refuge Enhancement (CARE) (DC)
10/15 - National Congress of American Indians 74 Annual Convention (Milwaukee, WI)
10/15-17 – Heritage Annual President's Club Meeting (DC)
10/16 - Carlsbad Mayor's Energy Summit (Carlsbad, NM)
10/20 - TXOGA Lone Star Energy Forum (Woodlands, TX)
10/26 - Montana Chamber Annual Meeting (Great Falls, MT)

Declining

9/23 - Southern Illinois Hunting & Fishing Days Inc. (Carterville, IL)
9/19-21 - Montana Wood Products Assn - Forest Resources Association Convention (Whitefish, MT)
9/21 - Associated Industries of Florida (AIF) (DC)
9/23 - Buffalo Bill Centennial Ball (Cody, Wyoming)
9/23 - National Mining Hall of Fame (Denver, CO)
9/26 - Billings Chamber Annual Mtg (Billings, MT)
9/26 - S&P Annual Asia Pacific Petroleum Conference (Singapore)
9/26 - GAO for international conference on extractive industries (DC)
9/28-30 - Council for National Policy
10/1-3 - New Mexico Oil and Gas Association (Santa Fe)
10/2 - IOGCC Annual Meeting (Pittsburgh PA)
10/3 – ShaleTech Permian (Odessa, Texas)
10/4 - NOIA Fall Meeting (Cody, WY)
10/13 - Public Land & Resources Law Review's Public Land Law Conference (Missoula, MT)
11/14 – George Rogers Clark National Historical Park Quarter Launch (Vincennes, Indiana)
10-16-17 Americans For Tax Reform Coalition Leaders Summit (Miami Beach, FL)
10/17 - National Association of Sporting Goods Wholesalers (San Antonio, TX)
10/31 - George B. Hartzog, Jr. Awards and Speaker Program Clemson University (SC)
11/9 - America First Energy Conference hosted by Heartland Institute (Houston, TX)

EMERGENCY MANAGEMENT (new)

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 70 miles to the north of Punta Cana, Dominican Republic, and moving to the northwest at 9 miles per hour (mph). This general motion is expected to continue through tonight and turn toward the north-northwest on Friday. Maria

has reduced its force and is now a category 3 hurricane on the Saffir-Simpson Hurricane Wind Scale; however, Maria could possibly strengthen during the next day or so. Hurricane-force winds extend outward up to 60 miles from the storm's center, and tropical storm-force winds extend outward up to 150 miles.

Tropical storm and hurricane conditions are occurring over the Virgin Islands and will spread over Puerto Rico in the next few hours. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 6 to 9 feet above normal tide levels in portions of the Hurricane Warning area near Puerto Rico and the U.S. Virgin Islands.

Maria is expected to produce an additional 4 to 8 inches of rainfall in Puerto Rico and an additional 2 to 4 inches in the U.S. and British Virgin Islands. This rainfall could cause life-threatening flash floods and mudslides. Several tornadoes are possible over Puerto Rico and the U.S. Virgin Islands today.

Support updates to the interagency Hurricane Irma/Maria Response:

DOI currently has 53 and 152 personnel supporting 13 FEMA Mission Assignments (MA) in response to Hurricanes Maria and Irma, respectively.

NPS reports that their representative to the Federal Search and Rescue Coordination Group will arrive at FEMA Headquarters for duty at 9:00 a.m. EDT today.

DOI Maria Quick Response Teams (QRTs) 1 and 2 spent yesterday assisting other sheltering guests in Puerto Rico by providing medical assistance, conducting Search and Rescue efforts within the staging area, and assisting with secondary evacuation planning due to the threat of flooding and structure failure. QRT 3 is staged in Orlando, FL and preparing for deployment, tentatively scheduled for September 23. Fourteen (14) of 23 Law Enforcement Officers associated with the Direct Federal Assistance Mission to the Seminole Tribe of Florida are being reassigned to Maria QRT 4, while the remainder are to demobilize and return to home units.

Hurricane Maria Response:

NPS reports that priorities remain employee accountability and safety. Initial reports in the Caribbean indicate the island has suffered extensive damage and loss of power and communications to many areas. NPS employees have been instructed to communicate their status by 9:00 a.m. this morning via any means available. Employees at USVI are to report to the Virgin Island National Park's Visitor Center (VC) on St. John Island, if possible, at 9:00 a.m. local time. The Northeast Region (NER) Special Event Tactical Team (SETT) will make priority home visits to any employees who have not made contact by late morning today. The food and water request to benefit parks and support in the Caribbean for 8 pallets of food and 8 pallets of water has been processed and approved by FEMA. The supplies are awaiting pickup in San Juan. Currently, NPS has accounted for 81 employees and family members in Puerto Rico, St. John and St. Croix in the USVI. Reports from St. Thomas are still pending at this time. The EIMT reports that all personnel relocated from St. Croix and St. John to San Juan are accounted for.

FWS has accounted for 15 of the 60 personnel in Puerto Rico and the U.S. Virgin Islands (USVI). There are 57 personnel in Puerto Rico, which includes personnel from Vieques and Culebra National Wildlife Refuges (NWR) and 3 personnel in the USVI. Power outages and degraded communications have contributed to the inability to make full accountability to date. Southeast Region 4 is in the process of establishing teams to assist personnel and stations in Puerto Rico and the USVI.

USGS maintains 31 personnel sheltering in place in Puerto Rico. USGS does not have any personnel in the USVI. USGS has 13 temporary sensors deployed on the south and east coasts of Puerto Rico. The USGS Earthquake Hazards Program is monitoring the status of the Puerto Rico Seismic Network (PRSN).

Several supporting seismic stations have been damaged or are offline in the USVI Islands from impacts of Irma and Maria.

Hurricane Irma Response:

FWS reports that the Southeast Incident Management Team (IMT) continues stabilization efforts in Florida. This includes debris removal, excavation activities, roofing, and tarping housing structures. As of September 20, the IMT has completed 80% of stabilization efforts, and an additional one or two days of general cleanup efforts remain.

BIA reports that the Big Cypress Reservation shelter is open with 12 occupants. Power has returned to the Immokalee Reservation. The Immokalee Point of Distribution (POD) location has closed, and its supplies have been transferred to the Big Cypress POD, which is still operational. Power has been restored to all Seminole Reservations with the exception of Big Cypress and one mobile home park in the Hollywood Reservation.

USGS reports that 54 gages have been repaired to date. In Florida, 12 personnel were in the field repairing gages and taking discharge measurements. To date, 162 discharge measurements have been performed in response to Irma.

Hurricane Harvey Response:

There continue to be 56 DOI personnel currently supporting 5 FEMA Mission Assignments for Harvey response and recovery. Twenty of these were USGS personnel in the field yesterday flagging and surveying HWMs in Texas.

Wildland Fire Updates:

The Sprague Fire burning in Glacier National Park, MT, (NPS) has burned 16,790 (no change) acres and is 75 (no change)-percent contained. The fire is managed by a Type-2 IMT with 163 (-13) personnel, including 61 (+1) DOI personnel. There are 252 (no change) residential structures threatened. The fire poses a significant threat to hundreds of structures in the area, of which, 149 structures are listed on the National Register of Historic Places. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today. Full containment is expected on November 1.

OUTSIDE MEDIA OF INTEREST (new)

Gov. Hogan Twitter feed on the B-W parkway

Baltimore Sun: \$9 billion highway project would widen 3 major Maryland roadways with toll lanes, Hogan says

CBS Baltimore: Hogan Announces \$9B Plan To Widen I-270, Capital Beltway, BW Parkway

BALTIMORE (WJZ) — Three major Maryland thoroughfares that drivers have been complaining about for years may be widened thanks to a \$9 billion traffic relief plan announced by Governor Larry Hogan's office Thursday.

The administration plans to add new lanes to I-270, I-495 and the Baltimore-Washington Parkway. Hogan's office is calling it the Traffic Relief Plan largest public-private partnership plan in North America.

"Today's announcement officially begins the process to solicit the Public-Private Partnership (P3) industry for input and solutions to provide major congestion relief to these key transportation routes," a release says.

“With the total project estimated value at \$9 billion, the P3 portion to add four new lanes on both I-495 and I-270 is the largest proposed P3 highway project in North America. The P3 will be seeking private developers to design, build, finance, operate, and maintain new lanes on I-495 between the American Legion Bridge and the Woodrow Wilson Bridge and on I-270 between I-495 and I-70. Once completed, the Traffic Relief Plan will deliver new express toll lanes, in addition to existing lanes, on I-495, I-270, and MD 295.”

Interior Secretary Ryan Zinke Swims With The Sharks At Wonders Of Wildlife.

The [Springfield \(MO\) News-Leader](#) (9/20, Zhu) reports that Interior Secretary Ryan Zinke “went scuba diving with sharks Wednesday at Wonders of Wildlife.” Zinke also “fielded questions from more than 40 students seated in front of the tank.” Zinke encouraged the group of fifth-grade students “to continue learning about and practicing conservation.” He said, “I’ve been to 60 or 70 countries and nobody has the treasures that we have here in the United States. We should be proud.”

KTOO (AK) Public Media: Interior official says Trump administration has the ‘guts’ to allow oil exploration in ANWR

Elizabeth Harball

September 20, 2017

During a speech in Anchorage today, a top Interior Department official said kick-starting oil development in the Arctic National Wildlife Refuge, or ANWR, is a priority for the Trump administration. “The untapped potential of ANWR is significant. But it is the Trump administration that had the guts to step up to the plate and facilitate production,” Vincent DeVito, the Interior Department’s Counselor for Energy Policy, told a conference for ocean researchers in Anchorage today. DeVito occupies a new post created by the Trump Administration, advising Interior Secretary Ryan Zinke on developing oil and other resources from federal land and waters.

Democrat Raises Concerns Over Accuracy Of Zinke’s Report.

[Politico Morning Energy](#) (9/20, Adragna) reports that a BLM official said during an Energy and Natural Resources Committee hearing Tuesday that “the agency did not fact check Interior Secretary Ryan Zinke’s report on national monuments before it went to the White House for review.” Sen. Martin Heinrich “originally raised questions about ‘more than a few simple factual errors included’ in Zinke’s analysis.” John Ruhs, BLM’s acting deputy director of operations, “then said his agency was ‘not part of the writing of the reports’ but ‘did answer questions and provide data as necessary.’”

VA, Interior Detail Workforce Reductions And Consolidations Under Gov’t Reorganization.

[Federal News Radio \(DC\)](#) (9/20, Ogrysko) reports that “lawmakers interested in moving some federal entities out of the Washington, D.C. area may already get their wish — without much heated public debate.” The departments of Veterans Affairs and Interior are “already moving some federal employees with customer-facing jobs out of D.C. and to consolidated offices in the field.” The article says that “many of the Interior Department’s proposed actions for reorganization will require congressional approval, but the agency also sees employee reassignments and relocations as a key aspect of its plan.” Interior has “asked the Office of Personnel Management and OMB for a ‘very broad’ VERA/VSIP authority in effort to shrink the size of its workforce and move more people from their positions in Washington out to field offices.”

Agencies Steer Clear Of RIFs In Reorg Plans.

[Federal Computer Week](#) (9/20, Gunter) reports that “agencies say they can meet White House government reorganization principles and fall in line with their fiscal year 2018 budgets by reducing the workforce through attrition and reclassifying employees, rather than layoffs.” Raymond Limon, deputy

chief human capital officer at the Interior Department, “said his agency isn’t going into the reorganization with the mindset of cutting personnel, ‘but we’re always going to work to our budget, no doubt about it.’” He said, “Numerically, we don’t have necessarily have a target, but it’s kind of that expectation that if work can be performed in the field, we should do it.”

Climate Change Ruling Could Affect Other Fossil Fuel Projects.

Bloomberg BNA (9/21) reports that energy experts says the decision by an appeals court ordering the federal government to “rethink the climate change impacts of two giant coal mines” establishes “an argument that could be tested nationwide in other courts to challenge any fossil fuel-related project that might have climate change effects.” Although the order applied to a pair of Wyoming coal mines, experts say natural gas pipelines, oil sand pipelines, coal railroads, and coal export terminals could all face renewed scrutiny in the future.

Delta Tunnels Project Imperiled After Westlands Rejection.

The Sacramento (CA) Bee (9/21, Kasler, Sabalow) reports that “shellshocked by an influential farm irrigation district’s refusal to help pay for the Delta tunnels, advocates of the \$17.1-billion project were scrambling Wednesday to salvage it or conjure up a Plan B.” According to the article, “three possible options were floated by California water policymakers for reviving the proposal.” However, “all of them face substantial hurdles of their own.”

The Sacramento (CA) Bee (9/20) editorializes that “without some version of the California WaterFix, the Sacramento-San Joaquin River Delta, a rich and vastly re-engineered resource, will continue to decline and diminishing fisheries will dwindle further.” It urges California Gov. Jerry Brown to “look for alternatives.”

Environmentalists, Ranchers Trade Barbs In Killing Of Mexican Gray Wolf.

Cronkite News (9/20, Windes) reports that “environmentalists and livestock owners are pointing fingers after government agents killed an endangered Mexican gray wolf last month for preying on cattle, the first wolf killed for depredation in 10 years.” According to the article, “a Fish and Wildlife Service memo justifying the ‘lethal control’ of the wolf found one calf had been ‘killed by wolves, one was probably killed by wolves, and a third (cow) died of natural causes’ on Aug. 2.” The article says that “ranchers welcomed the action, saying Fish and Wildlife ‘was finally making a good decision.’” However, “environmentalists say ranchers are at least partly to blame for failing to remove the carcass of the cow that died of natural causes, attracting wolves from the ‘Diamond pack’ that would otherwise have kept their distance.”

National Parks To Waive Entrance Fees Sept. 30 For National Public Lands Day.

The Deseret (UT) News (9/20) reports that the National Park Service will “offer free admission to parks across the country Saturday, Sept. 30, as part of National Public Lands Day.” National Public Lands Day, “held annually on the fourth Saturday in September, is the nation’s largest, single-day volunteer event for public lands.”

Police Arrest Man Accused Of Vandalizing The Lincoln Memorial With A Penny.

The Washington Post (9/19, Moyer) reports that “a man was arrested Monday after police say he vandalized the Lincoln Memorial.” A U.S. Park Police officer “observed the man about 1 p.m. using a penny to scrawl the letters ‘HYPT MAEK’ on the fifth pillar on the north side of the memorial, authorities said.” The man, “identified as 21-year-old Nurtilek Bakirov, of Kyrgyzstan, was arrested and charged with malicious destruction of property.”

All Of Puerto Rico Without Power As Hurricane Maria Makes Landfall.

Hurricane Maria made landfall in Puerto Rico Wednesday causing extensive damage. All three network news broadcasts led with the story Wednesday evening and it garners heavy print coverage this morning. Much of the coverage focuses on the devastation in Puerto Rico, but damage to Dominica and the storm's path towards the Dominican Republic and Turks and Caicos also garner coverage.

NBC Nightly News 📺 (9/20, lead story, 3:15, Holt) reported in its lead story that in Puerto Rico "hundreds of homes are damaged or destroyed, streets are flooded, and 100 percent of that US island is without power after Hurricane Maria slammed ashore with 155-mile-an-hour winds." In its lead story, the CBS Evening News 📺 (9/20, lead story, 2:25, Mason) reported that Maria made landfall "as a Category 4 and touched off catastrophic flooding. The storm is moving away from Puerto Rico tonight, toward the Dominican Republic, and tomorrow, the Bahamas." CBS (Begnaud) added that "despite the devastation, no deaths or injuries have been reported, so far." Puerto Rico Gov. Ricardo Rossello "is telling people to stay calm, but he's warning that the island is on the verge of losing communication." Rossello "is asking for generators to be shipped from the mainland here to the island to help restore power as a dusk-to-dawn curfew has just gone into effect."

ABC World News Tonight 📺 (9/20, lead story, 2:55, Oquendo) reported in its lead story that Puerto Rico's emergency management director says "the entire island is destroyed." Many homes on the island were "not built to withstand any hurricane, let alone a Category 4." According to officials, "many areas will be uninhabitable for weeks, maybe even months." Rossello said on CNN's Anderson Cooper 360 📺 (9/20), "The damage is very extensive. It is nothing short of a major disaster. We have a lot of flooding, a lot of infrastructure damage. Our cell communications system is partially down. Our energy infrastructure is completely down."

The New York Times (9/20) reports that while Rossello said "more than 500 shelters had been opened...he could not vouch for the storm-worthiness of all of those structures." In what the Wall Street Journal (9/20, De Córdoba, De Avila) calls an apparent effort to prevent looting, Rossello announced via tweet that he is imposing a 6 p.m. to 6 a.m. curfew from Wednesday to Saturday. Rossello wrote, "I am making a call for calm, understanding and prudence during these difficult days for Puerto Rico."

The Los Angeles Times (9/20, Hennessy-Fiske, Lee) reports that a statement from the White House said "that President Trump is continuing to monitor the situation and that he and First Lady Melania Trump 'send their thoughts and prayers to all those in harm's way.'" White House press secretary Sarah Sanders said on Fox News' Fox & Friends 📺 (9/20), "FEMA Director Brock Long has been working alongside all the state and local officials really trying to make sure we put as many resources in place as possible. Thanks to technology we have a lot more leeway on the front end of a lot of these storms that are allowing us to preposition resources. The federal government is doing all we can to help people in both, you know, Puerto Rico, the US Virgin Islands and other surrounding islands as these storms are moving in."

The Washington Post (9/20, Schmidt) says recovery efforts "could be hampered by long-standing financial problems that led the territorial government to file for a form of bankruptcy in May." Puerto Rican Rep. Jennifer Gonzalez-Colon expressed a similar concern on CNN's The Lead 📺 (9/20), saying, "I spoke last night with Vice President Mike Pence and FEMA Director Brock Long and other members of cabinet regarding how are we going to put Puerto Rico back on track considering the financial situation Puerto Rico got in the recent years. And, thank God, Vice President Pence conveyed the message of the President of the United States and the whole government is going to be helping out the island. As a

matter of fact, there are more than 400 rescue teams and federal employees from all over the nation waiting until it is safe to go outside and begin the search and rescue already on the island.”

The [Washington Post](#) (9/20, Faiola) reports that a “direct hit” by Maria “caused massive damage to homes and buildings, washed out roads, upended water pipelines and left at least seven people dead” in Dominica. According to official estimates, “70 to 80 percent of Dominica’s structures sustained storm damage, ranging from ripped-off roofs to near-total destruction.” The Post adds that “intact public buildings were being converted into emergency shelters for scores of homeless residents.”

[ABC World News Tonight](#) 📺 (9/20, story 2, 0:55, Muir) reported that Maria’s center is currently about 75 miles east of the Dominican Republic. While it’s a category two storm, it “may very well strengthen” as it heads to Turks and Caicos. Al Roker said on [NBC Nightly News](#) 📺 (9/20, story 3, 1:00, Holt) that the Dominican Republic will get “four to six feet of surge, 8 to 16 inches of rain.” Turks and Caicos, meanwhile, “may be the next really big devastated area with 125 mph winds, a storm surge of nine to 12 feet and nine to 16 inches.”

FEDERAL REGISTER LISTINGS: (new)

Items were cleared for the FR on Wednesday.

REG0007373 BLM Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 106959 and NDM 106960, North Dakota -- The BLM informs the public that Bakken Production Inc., AGRI Properties LLP, and Southfork Oil LLC filed a petition under the Mineral Leasing Act of 1920 for reinstatement of two expired oil and gas leases in Bottineau County, North Dakota. The BLM is proposing to reinstate the leases because the lessees have met the statutory requirements for reinstatement. Notice 09/20/2017

REG0007374 BLM Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 94704, NDM 94705 and NDM 94706, North Dakota -- The BLM informs the public that Emerald WB LLC and Continental Resources, Inc. filed a petition under the Mineral Leasing Act of 1920 for reinstatement of three expired oil and gas leases in McKenzie County, North Dakota. The BLM is proposing to reinstate the leases because the lessees have met the statutory requirements for reinstatement. Notice 09/20/2017

REG0007375 BLM Notice of Proposed Reinstatement of Terminated Oil and Gas Leases NDM 98547 and NDM 104389, North Dakota -- The BLM informs the public that OXY USA Inc. filed a petition under the Mineral Leasing Act of 1920 for reinstatement of two expired oil and gas leases in Mountrail County, North Dakota. The BLM is proposing to reinstate the leases because the lessee has met the statutory requirements for reinstatement. Notice 09/20/2017

REG0007368 FWS Intent to Initiate Rulemaking - Refuge-Specific Regulation; Public Use; Kenai National Wildlife Refuge -- The Fish and Wildlife Service announces its intent to initiate a rulemaking process to consider changes to 2016 regulations applicable to Kenai National Wildlife Refuge public use. The regulations are codified in 50 CFR part 36. Notice 09/20/2017

REG0007420 NPS Notice of Public Meetings: National Park Service Alaska Region Subsistence Resource Commissions -- Meeting dates: Kobuk Valley, Oct. 2-3; Aniakchak, Oct. 3-4; Cape Krusenstern, Oct. 4-5; Lake Clark, Oct. 4; Denali, Oct. 11; Wrangell-St. Elias, Oct. 26-27; and Gates of the Arctic, Nov. 14-15. Notice 09/20/2017

To: Mary Pletcher[mary_pletcher@ios.doi.gov]; Raymond Limon[raymond_limon@ios.doi.gov];
Lawson, Christopher[christopher_lawson@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov]
Cc: Olivia Ferriter[olivia_ferriter@ios.doi.gov]; Adrienne Moss[adrienne_moss@ios.doi.gov]; Jason
Freihage[jason_freihage@ios.doi.gov]
From: Flanagan, Denise
Sent: 2017-09-19T18:35:23-04:00
Importance: Normal
Subject: Legislative Proposals
Received: 2017-09-19T18:35:32-04:00
[2019 Legislative Proposals 9-18.docx](#)

Greetings,

Attached is the updated legislative proposal paper which includes those related to HR
authorities. We'll let you know if we get questions from OMB. Thanks so much to everyone for
their help! Denise

--

Denise Flanagan, CDFM
Director, Office of Budget
U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

2019 Legislative Proposals and Offsetting Collections

The 2019 President's budget includes legislative and offsetting collection proposals affecting revenues, and available budget authority that require action by the Congress. These proposals provide an important contribution to the Administration's policy and deficit reduction goals, including achieving a fair return to the American taxpayer from the sale of Federal resources and reducing un-necessary spending. The 2019 budget includes legislative proposals to reduce outlays from the Treasury by an estimated \$1.9 billion over the next decade.

New Proposals

Land Health Treatments – The proposal provides authorization for the Bureau of Land Management to issue at no charge Christmas tree permits to families with children 6 years old and younger and it provides the BLM Director with flexibility to allow free extraction in areas where expeditious removal of fuelwood would meet hazardous fuels reduction objectives. Additionally, BLM proposes to amend the Healthy Forest Restoration Act of 2003 to provide BLM with the same authority as the U.S. Forest Service to use a Categorical Exclusion to authorize implementation of forest resilience treatments on up to 3,000 acres when implementing treatments on lands identified by Governors or designated by the Secretary to be high risk.

Expand Good Neighbor Authority – The Office of Wildland Fire in coordination with the NPS, FWS, and BIA proposes to expand the existing Good Neighbor Authority in the 2014 Farm Bill, which currently only applies to BLM. The Good Neighbor Authority in Section 8206 authorizes the BLM to enter into cooperative agreements or contracts with States and Puerto Rico to allow the States to perform watershed restoration and forest management services on BLM lands when similar and complementary services are performed by the State on adjacent state or private lands. The Good Neighbor Authority allows for Federal and State partners to leverage combined skills and resources to work across jurisdictional boundaries, increasing the effectiveness of fuel reduction that lowers wildfire risk, watershed restoration, and forest management efforts as well as meeting land use goals.

Assistance to Rural Community Firefighting – Proposed language would alter the existing Rural Fire Assistance program authority to allow Interior to support local cooperators by directly transferring surplus firefighting and communications equipment and tools to volunteer fire departments, rural fire departments, and rangeland fire protection associations. The authority would exempt the Department from going through the General Services Administration's process for the transfer of excess and surplus property, thereby streamlining and expediting the assistance provided to local cooperators. Of the 610 wildland fire engines in the Department, approximately 40 are available for surplus annually. Under the proposed amendment, some or all of these surplus engines could be transferred to rural and tribal cooperators. For critical communications equipment, as many as 1,200 handheld radios per year could be available for transfer to local cooperators.

Salvage Timber Reform – To help reduce the risk of catastrophic wildfire and achieve other benefits, OWF is working to develop legislation to facilitate and expedite salvage timber sales. OWF is

coordinating with BIA, BLM, FWS, and NPS forestry programs in developing the proposal and drafting the language. The legislation will seek to streamline the process for conducting salvage timber sales. Significant BLM and tribal forest acreage contains damaged and discarded timber, which dramatically increases the risk of catastrophic wildfire. Extracting salvage timber from these forests will decrease the risk of fire, improve forest health, increase timber-related jobs, increase revenues and support local economies.

Land and Water Conservation Fund – The LWCF authorization expires at the end of FY 2018, and Interior proposes at least a simple reauthorization of the current law. Interior will work with OMB and the Department of Agriculture to review options for reauthorization, including consideration of a range of conservation-related investments that could be funded through the LWCF.

Equal Access to Justice Act Reform – The Department proposes to reduce or eliminate EAJA litigation fees and Endangered Species Act fees currently authorized by statute. The Department supports either a government-wide or Interior specific proposal to eliminate this liability. The options fall generally into two categories: legislative proposals that directly amend the authorizing provisions for the fees, or an appropriations act proposal that prohibits payment of fees or otherwise alters application of the provisions. The Office of the Solicitor is developing options to refine the prior proposal to address OMB concerns, potentially aligning non-profit entities' ability to sue under the ESA with limitations placed on for-profit entities, and coordinating with the Department of Justice.

Voluntary Separation Incentive Payment Authority /Voluntary Early Retirement Authority – The Department seeks Voluntary Separation Incentive Payments (VSIP) authority and Voluntary Early Retirement Authority (VERA) to provide maximum flexibility to bureaus and offices to effectively and do real-time workforce reshaping efforts while minimizing the lengthy and cumbersome outside agency review process. The delegation of authority would be similar to what is delegated to the Department of Defense.

Expanding Term Appointment Authority for Science-Related Positions – The Department seeks new authority to appoint, in the excepted service, certain scientific-related positions to appointments lasting up to 10 years. This authority would give the Department enhanced flexibilities to recruit and hire the best and brightest from the academic and science communities and to align that talent to time sensitive assignments with up to ten-year project cycles. Current term appointing authorities are limited to four years.

Change Pay Retention for Management Directed Reassignments Outside of Geographic Area – The Department seeks a change in mandatory pay retention regulations as a result of management action such as a geographic conversion. [See 5 CFR 536.303(b) and 536.304.] This change will allow the Department to realize immediate cost reductions by relocating employees to geographic locations with lower locality pay. Under the current regulation, potential cost savings will be mitigated for at least two years due to pay retention regulations when moving staff away from large urban centers.

New Appropriations Language Proposals

Bureau of Safety and Environmental Enforcement Offshore Inspection Fees – The Department proposes a new fee to the BSEE inspection fee structure for non-rig well operations in appropriations language. It is expected that the new fee for non-rig well operations will provide \$1.5 million in additional revenue, bringing the total estimated amount for inspection fees to \$43.8 million in FY 2019.

Bureau of Ocean Energy Management Responsibilities – The budget proposes appropriations language to clarify the Bureau of Ocean Energy Management’s responsibilities with respect to leasing on the Outer Continental Shelf. The proposal would add the words “and administering” to the current language in the Outer Continental Shelf Lands Act which describes the Secretary’s requirements with regard to the Outer Continental Shelf leasing program as “granting” leases. The proposed language more accurately describes the bureau’s requirements under the law.

National Park Service Tree Removal – The Department proposes appropriations language to provide NPS the authority to retain the proceeds from the sale of trees removed for management purposes. These proceeds would be used for maintenance projects at the participating park units. The revenue impact to the Treasury would be small.

2 Year Authority for National Park Service Cyclic Maintenance Funding - The Department proposes to request specific cyclic maintenance project funding amounts in appropriations language, and make the funding available for two years.

Bureau of Reclamation Transmission Line Costs – The Department proposes appropriations language clarifying the authority of Reclamation to participate in, as well as collect and use receipts to repay costs associated with construction, operations, maintenance, and rehabilitation of a transmission line to power BOR's Tracey pumping plant. A 50-year contract to provide transmission service recently expired and significant transmission cost increases began accruing to BOR and its water customers since they have turned to the California Independent System Operator to obtain power.

Additional language is needed to facilitate a plan for construction of a new transmission line. Construction of the line would be paid for by service customers, the line would be owned by Western Area Power Administration, and BOR would collect payments from water customers which would include funding for the amortized cost of construction. BOR would in turn make payments back from these collections for the construction. The language is needed to clarify BOR's authority to provide the collections back for the amortized costs.

Continued Legislative Proposals

Bureau of Reclamation Title Transfer – The Administration is developing a proposal to better facilitate title transfer of BOR facilities to non-Federal entities when such transfers are beneficial to all parties. This proposal will allow local water managers to make their own decisions to improve water management at the local level, while allowing BOR to focus management efforts on projects with a greater federal nexus.

Redirect Southern Nevada Public Land Management Act Account Balances – The budget proposes legislation to cancel \$230 million in unobligated balances from the Southern Nevada Public Land Management Act program over a three year period. The SNPLMA was enacted in 1998 authorizing the BLM to sell specified public lands around Las Vegas, Nevada and retain the proceeds for capital improvements and various conservation, restoration, and recreational purposes in the State. The budget proposes to redirect a portion of the program balances to the Treasury where they are available for broader taxpayer use. The SNPLMA program is not proposed for elimination and viable conservation efforts will continue to be supported.

Oil and Gas Leasing in the 1002 Area of the North Slope – The Administration will propose legislation to allow oil and gas leasing in the coastal plain of the North Slope, known as the “1002 area.” The budget assumes lease sales would begin in 2023 or 2024, allowing adequate time for the completion of appropriate environmental reviews and an updated assessment of the state of the oil and gas market and lease bidding potential prior to scheduling specific lease sales. An additional lease sale or additional lease sales would be held in 2027 or 2028. Lease sales in the 1002 area are estimated to generate \$3.5 billion in bonus bids to be split evenly between the U.S. Treasury and the State of Alaska.

Reauthorize the Federal Land Transaction Facilitation Act – The budget assumes permanent reauthorization of FLTFA’s land sale authority, allowing Interior to dispose of lands with low conservation value and use the proceeds to acquire lands with high conservation values, consistent with the original FLTFA mandate. Also consistent with the prior authorization, 80 percent of the receipts would be spent in the same State in which the funds were generated. The FLTFA authority provides Interior with the flexibility to manage its land portfolio to improve public access to or inholdings within existing Interior areas, in a constrained budget environment.

Recreation Fee Program – The budget proposes to permanently reauthorize the Federal Lands Recreation Enhancement Act, which currently expires in September 2018. As a precaution, appropriations language submitted with the budget will propose a one-year extension through September 2019. The revenues collected from these recreation fees—approximately \$290 million annually—are an important source of funding for land management operations, maintenance and improvements to recreation facilities on public lands.

Termination of EPAct Geothermal Payments to Counties – The budget proposes to restore the disposition of Federal geothermal leasing revenues to the historical formula of 50 percent to the States and 50 percent to the U.S. Treasury by repealing Section 224(b) of the Energy Policy Act of 2005. That section changed the distribution to direct 50 percent to States, 25 percent to counties, and 25 percent to the Federal government. The extra 25 percent in county payments are inconsistent with longstanding revenue-sharing practices and effectively reduces the return to Federal taxpayers from geothermal leases on Federal lands. The proposal is estimated to result in savings of \$36.0 million over ten years.

Offsetting Collection Proposals

National Wildlife Refuge Damage Cost Recovery – The budget continues to propose appropriations language to authorize FWS to retain recoveries from responsible parties to restore or replace damages they cause. This is parallel to authorities provided to NPS for damages to national parks and monuments.

To: Katharine Macgregor[katharine_macgregor@ios.doi.gov]
From: Cardinale, Richard
Sent: 2017-09-19T09:34:38-04:00
Importance: Normal
Subject: Fwd: OSMRE/BLM Joint Coal Report
Received: 2017-09-19T09:35:43-04:00
Federal Coal Streamlining Report w State Cmts and letters 06 30 2017 (1) RTC.docx

K -

Here are my edits to the Joint Coal Report. I will leave a hard copy on your chair.

R -

----- Forwarded message -----

From: Cardinale, Richard <richard_cardinale@ios.doi.gov>
Date: Wed, Aug 16, 2017 at 10:15 PM
Subject: OSMRE/BLM Joint Coal Report
To: Katharine Macgregor <kate_macgregor@ios.doi.gov>

Kate,

Here are my comments on and recommended edits to the above-referenced report.

Rich

DRAFT

**Report to the Secretary on
Recommendations for Streamlining
the Federal Coal Leasing and
Permitting Process**

Presented by the Bureau of Land Management, and
Office of Surface Mining Reclamation and Enforcement

August XX, 2017

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Directorate

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Executive Summary

Need for this Report

The Department of the Interior (DOI or the Department), through the Bureau of Land Management (BLM) and the Office of Surface Mining Reclamation and Enforcement (OSMRE), manages the Federal coal resource for the public. As part of recent reviews both internally and with input from the states, public and stakeholders, it has become clear that the length of time required for the BLM to process a lease application and the OSMRE to process a mine permit is inordinately and unnecessarily long and places an undue burden on the industry. Many parties have expressed an interest in increasing the program's efficiency consistent with fulfilling our obligations under the National Environmental Policy Act (NEPA). The Department has determined that the best way to improve and streamline the programs is to first identify the inefficiencies and then present a plan of action.

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In February 2017, DOI initiated an internal review of the coal programs managed and regulated by its bureaus for both Federal and non-Federal coal. The review associated with this document covers the leasing and permitting of Federal coal mining activities and its general objective is to identify ways in which the leasing and permitting of Federal coal can be improved.¹

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Specifically, the goals of the review were to identify ways to 1) streamline the leasing and permitting process; 2) improve efficiency of NEPA analyses related to coal development and 3) acquire the resources needed to efficiently manage the Federal coal program, as well as implement any changes to the program determined to be necessary.

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To initiate the review, the Acting Deputy Secretary asked the Bureau of Land Management (BLM) and the Office of Surface Mining Reclamation and Enforcement (OSMRE) to develop recommendations for streamlining the Federal coal leasing and permitting process, including associated NEPA analyses. Currently, the processes for authorizing Federal coal development generally include three major steps: exploration, leasing, and permitting. These processes are very complex and include numerous steps. A detailed flow chart outlining the processing steps of each agency can be found in Appendix 1.

Exploration and leasing are managed by the BLM, and permitting is managed by OSMRE. As part of the lease application process, the BLM prepares a NEPA analysis, which, because of the size of the projects, often takes the form of an Environmental Impact Statement (EIS). However, in some instances, for smaller leasing actions at underground mines, the BLM may instead

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¹ Permitting of coal mining activities, both for Federal and non-Federal coal is managed by the Office of Surface Mining Reclamation and Enforcement (OSMRE). OSMRE has undertaken a similar review specific to its role in permitting non-Federal coal operations. There are a few areas noted in this review where efficiencies could be gained in the Federal coal permitting process, specifically as it relates to the Bureau of Land Management's (BLM) role in leasing and OSMRE role in permitting. Permitting efficiencies for non-Federal coal will be discussed in a separate OSMRE report.

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prepare an Environmental Assessment (EA). In most cases, OSMRE is a cooperating agency on the coal lease NEPA documents prepared by BLM.

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The Surface Mining Control and Reclamation Act of 1977 (SMCRA), sections 201(b) and (f), contains prohibitions regarding the transfer of any function that would promote the development or use of coal to OSMRE and prohibits OSMRE and other Federal employees working on SMCRA matters from holding certain financial interest in coal mining operations. As a cooperating agency (or co-lead in certain circumstances) with the BLM, OSMRE may review NEPA documents to assist in areas of OSMRE's special expertise and jurisdiction, which includes analyzing the effects of coal mining and reclamation on the environment. OSMRE does not believe that participating in BLM NEPA documents promotes the development or use of coal and does not create a direct or indirect financial interest for an individual OSMRE employee. Therefore, neither of these two SMCRA provisions would impede OSMRE's participation as a cooperating agency in the BLM NEPA process.

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Concurrently with the BLM's processing of a lease application, the BLM, working with the Office of Valuation Services (OVS), develops the Fair Market Value (FMV) of the tract of coal, which is used to determine the minimum acceptable bid at lease sale. Once a tract is sold through the competitive process and a coal lease is issued, OSMRE or the State processes the permit application package and issues a permit pursuant to SMCRA. In the final approval stage, the Secretary, in accord with the Mineral Leasing Act (MLA) of 1920 and based on OSMRE's recommendation, exercises one of three options with respect to mining plans: approval, disapproval, or approval subject to condition(s).

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Recent Occurrences in the Federal Coal Program and Background

The Federal coal program today reflects a number of changes that have been implemented since the passage of the Federal Land Policy and Management Act (FLPMA) of 1976 (BLM's Organic Act), the Federal Coal Leasing Amendments Act (FCLAA) of 1976, and SMCRA. These Acts primarily define the regulatory roles of the BLM and OSMRE with regard to coal leasing, permitting and development. In general, the BLM is responsible for exploration, leasing and lease maintenance, and production verification; OSMRE (or the states with primacy) is responsible for approving and regulating the conduct and reclamation of surface mining and surface impacts associated with underground mining operations on Federal and Indian lands. With a cooperative agreement and approved regulatory program, the states can assume primary authority for the regulation of surface coal mining operations and reclamation on Federal lands within their state borders. Finally, the Office of Natural Resources Revenue (ONRR) is charged with collecting and accounting for revenues generated from the production of Federal coal.

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The passage of FCLAA and SMCRA fundamentally changed the authorizing framework for the Federal coal program, thus requiring a programmatic review of the Federal coal leasing program to establish a new implementing regulatory structure. In 1979, the BLM published the Final

Programmatic Environmental Statement Federal Coal Management Program (subsequently supplemented in 1985), which provided the framework for the BLM's Federal coal program. The final regulations promulgated soon thereafter established standards and procedures for determining when, where, and how to lease Federal coal (principally through competitive sales under a regional leasing program) and implemented the FCLAA, as well as those aspects of SMCRA that were under the BLM's authority. BLM's coal leasing regulations found at 43 CFR 3400 have been amended several times since the program's framework was established, but have generally remained unchanged since 2002.^{2,3}

In 2013, the Department of the Interior's Office of the Inspector General (OIG) and the Government Accountability Office (GAO) conducted two separate audits of the BLM coal program. Combined, these audits resulted in 21 recommended changes to the program covering coal leasing and exports, inspection and enforcement activities, transparency of the process, and timely processing of royalty rate reduction applications. The BLM addressed all 21 recommendations through the issuance of policy guidance (including two new manuals and handbooks) and development of additional mine inspector and valuation training. Both audits are considered closed by the respective offices.

Beginning in the mid-2000s, the BLM began to see a marked increase in the number of lawsuits challenging the coal leasing decisions issued in the western coal states (primarily Wyoming, Montana, Colorado and Utah). The BLM has been generally successful in defending its leasing decisions and supporting NEPA analyses. These lawsuits include a challenge to BLM's reliance on a Programmatic Review that was last supplemented in October 1985. On November 24, 2014, two environmental organizations, the Western Organization of Resource Councils (WORC) and Friends of the Earth (FoE), filed suit in the District Court for the District of Columbia alleging that the BLM's Federal coal management program did not comply with NEPA and the Administrative Procedure Act (APA). The groups assert that under the Acts the BLM must prepare a new programmatic environmental impact statement to assess the greenhouse gas (GHG) emissions and climate change impacts associated with the coal program.⁴ On August 27, 2015, the court granted BLM's motion to dismiss the case, finding that the Department was under no obligation to prepare a new EIS, stating:

Likewise, the possibility of major federal action remaining here was foreclosed after the federal coal management program was implemented in 1979 and that same program continues to govern the leases today.... Once the federal coal management program went into effect, the proposed federal action came to an

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² In 2007, there was a minor addition to the coal regulations to allow for the BLM to recover its costs associated with processing coal lease applications and modification.

³ In 2007, there was a minor addition to the coal regulations to allow for the BLM to recover its costs associated with processing coal lease applications and modification.

⁴ *Western Org. of Res. Councils v. Jewell*, 124 F. Supp. 3d 7 (D.D.C. 2015).

end. That the federal defendants continue to issue leases in a manner consistent with the federal coal management program introduced in 1979, does not constitute an “ongoing ‘major [f]ederal action[.]’”

The court concluded that the Department had “no duty to supplement the 1979 programmatic EIS for the Federal coal management program because there is no remaining or ongoing major Federal action that confers upon them a duty to do so.” The case is currently on appeal by the plaintiffs.

Regardless of whether or not the BLM is obligated to supplement the existing programmatic EIS, recent public outreach leading up to and during the scoping period for the Federal coal program PEIS initiated under then-Interior Secretary Sally Jewell (by Secretarial Order 3338) and subsequently halted by Interior Secretary Ryan Zinke (by Secretarial Order 3348) identified a number of areas where the BLM could reasonably look to improve the Federal coal program. Under the direction of the Acting Deputy Secretary to develop recommendations for streamlining the Federal coal program and based in part on the comments received during the scoping period as well as internal comments from BLM’s coal program subject matter experts, in March 2017 the BLM, along with staff experts from ONRR and OVS convened in Denver, Colorado for three days to identify opportunities to enhance the Federal coal program. The BLM and OSMRE also requested suggestions from the states in which Federal coal leasing occurs on the five areas of focus identified in detail in this document. The results of this effort and its recommendations are summarized in this Report.

Recent and Projected Trends in Federal Coal Leasing and Coal Markets

In the last ten fiscal years, BLM-administered leases produced approximately 4.2 billion tons of coal, worth over \$63.4 billion. This production generated over \$10 billion in royalties, rents, and bonus payments. Most of this coal is utilized by the energy sector in coal-fired power plants. During that time, approximately 17 percent of all electricity produced in the nation was generated by Federal coal.

The last decade has been turbulent for the coal industry, particularly for thermal coal. After the 1990’s boom in production in the Powder River Basin of Wyoming and Montana, Federal coal production had generally been on an upward trajectory. By 2008, over 480 million tons of Federal coal was produced annually, with approximately 90 percent of that production coming from the PRB. In 2009, the market for thermal coal began to see significant competition from natural gas, and since that time, Federal coal production has declined over 36 percent to approximately 303 million tons in 2016 (of a total 740 million tons) (Figure 1). As a result, several of the larger operators in the PRB with pending lease applications have requested that their application processing be deferred until market conditions improve. Figure 2 illustrates the precipitous drop in the tons of Federal coal leased in the last five years.

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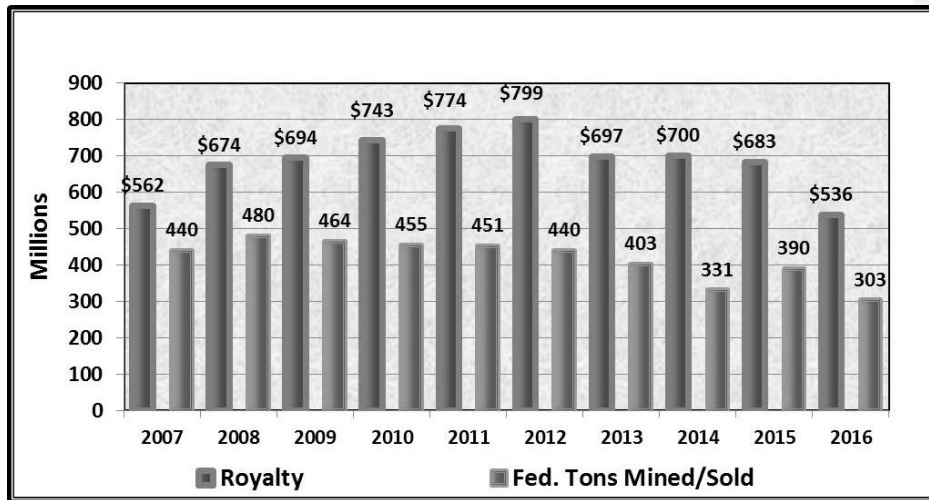


Figure 1: Federal coal production royalties collected and tons produced, 2007 – 2016.

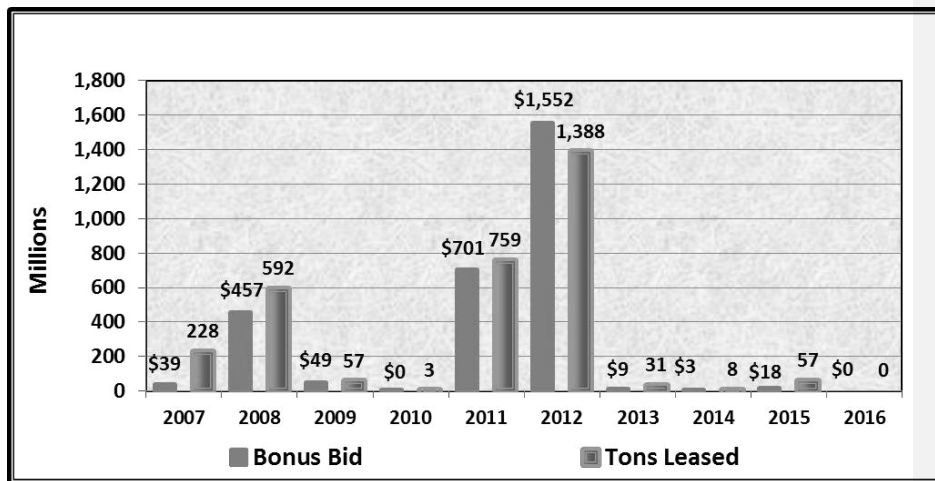


Figure 2: Federal coal lease sales bonus bids and tons offered, 2007 – 2016.

The Energy Information Administration (EIA) recently released its Annual Energy Outlook 2017 with Projections to 2050.⁵ The report's base-case scenario projects U.S. coal production

⁵ Energy Information Administration, 2017. Annual Energy Outlook 2017 with Projections to 2050. Downloaded

gradually rebounding from its low of 740 million tons in 2016 to approximately 834 million tons by 2020. As natural gas and renewables continue to grow, coal production is then projected to begin a more gradual decline over the next three decades with a total of approximately 583 million tons produced in 2050, but still accounting for nearly 20 percent of all electrical generation.

Federal Coal Working Group

Shortly after the Acting Deputy Secretary's request, an interagency working group of subject matter experts from across the BLM, OSMRE, OVS, and the Office of the Solicitor was established to assist in developing recommendations for enhancing the Federal Coal Program. The establishment of the group was necessary in order to present a robust and comprehensive suite of recommendations to DOI leadership.

Recommendations Document

The document below identifies inefficiencies and constraints that currently exist within the Federal coal leasing and permitting processes, along with actions and solutions that could enhance or streamline leasing, permitting, and development of Federal coal resources. Each recommendation identifies the inefficiency or constraint that needs to be addressed, how the recommended action will be implemented, who has the authority to implement the action, a timeframe for implementation of the action, and the overall impact of the resolution of the inefficiency or constraint on the program. During the review, the team solicited input from State Regulatory agencies regarding streamlining the Federal coal leasing and permitting process. A total of eleven states provided comments, six of which included comments specific to the Federal coal program (the remaining four provided comments specific to OSMRE's permitting of non-Federal coal). All state comment letters are included in Appendix 3 and those comments provided on the Federal coal program are incorporated throughout this report, which identifies five areas of focus for improved efficiency: 1) Regulations, Policy and Guidelines; 2) Leasing and Permitting; 3) NEPA; 4) Fair Market Value; and 5) Program Administration. A short description of each area is below:

1. **Regulations, Policy, and Guidelines:** Federal coal leasing is governed by a wide array of statutes, regulations, policies, and other guidance that the agencies attempt to synthesize and are always seeking to improve.
2. **Leasing and Permitting:** The regulatory structure underlying the Federal coal leasing program has been in place since the late 1970s. Under the Federal coal leasing program, the government determines where and how much coal to offer for lease. The process currently used to lease has evolved based on the results of litigation, BLM review, and other reviews such as reports by the OIG and GAO; however, the underlying leasing and

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permitting processes structure has not changed.

3. **National Environmental Policy Act (NEPA):** NEPA compliance is required for all Federal coal actions and comprises a large portion of the regulatory review timeframe. Over the past 20 years, Federal coal NEPA processes and analyses have become inefficient.
4. **Fair Market Value (FMV):** The FMV determination is part of the leasing process and begins with a pre-sale estimate of value for prospective Federal coal properties. This is an integral part of the leasing process that can often be unnecessarily lengthy.
5. **Program Administration:** Mining of Federal coal requires the oversight of multiple Interior Department agencies with different obligations that operate under different statutes and missions.

This document is divided into four main sections. Section 1 contains five tables (one for each of the areas discussed above) that summarize each of the identified inefficiencies or constraints and the recommended actions. Actions are noted as either Legislative (requiring the passage of new legislation by Congress to implement), Regulatory (requiring revision by the agency to their existing regulations) or Policy (requiring issuance of or revision to internal policy documents) or Administrative (requiring actions taken by the agency that would not require policy or regulatory changes). The proposed estimated timeline included in the tables is the amount of time reasonably needed to implement the action as a stand-alone action with existing staff and resources (in those cases where the proposed remedy is within the control of the BLM or OSMRE). Additionally, in many cases, multiple actions within an issue will occur simultaneously. If multiple issues are selected for implementation at the same time, timeframes may be impacted as much of the same staff would be required to implement the actions. The BLM's 2018 proposed budget currently has increased funding to the Federal coal program. The increases anticipate adding additional staff to the program. Thus, depending on the number of issues selected for implementation or the number of new staff added to the coal program, a revised timeline may have to be developed.

Section 2 contains detailed narrative of each of the five areas and the discussion is organized by issues and actions. These descriptions build on the information that is included in the summary tables. Section 3 discusses potential Next Steps to implement the proposed actions. The last section consists of appendices which include a flowchart that depicts the leasing and permitting process for Federal coal, a reference list of all of the identified issues, and the comment letters submitted by each of the coal states on the five focus areas.

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Summary Tables

- Issues are addressed in order of most to least anticipated streamlining impact.
- Issues which were brought up in comments received from the states are marked with an asterisk (*).
- Estimated timeline to implement action:

Blue: <6 month
Green: 7-12 months
Gray: 1-3 years
Orange: >3 years

Section 1 – Regulations, Policies, and Guidance

Section 1 - Regulations, Policies, and Guidance
<p>*Issue 1-1: The Federal coal leasing regulations that include Regional Leasing are outdated, which slows processing of coal actions and creates confusion for applicants and the public.</p>

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<p>*Issue 1-2: The existing protocol for Federal Register Notice publications causes significant delays to the leasing process.</p>	
<p>*Issue 1-3: The mining plan approval process may be unnecessarily protracted and duplicative.</p>	

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Issue 1-4: The Air Quality Modeling in BLM's NEPA Analysis is Costly and Time-Consuming.

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Issue 1-5: Many leasing policies are not current or not easily available.	
Issue 1-6: OSMRE's lack of guidance regarding "minor" mining plan revisions adds delay and inconsistencies to processing coal actions.	

<p>Issue 1-7: Royalty rate reductions can be an extended process due to ambiguous guidance.</p>	<div></div> <div>(b)(5)</div> <div></div>
<p>Issue 1-8: The BLM's delegation of authority for coal actions has recently caused legal and administrative problems and delays.</p>	
<p>Issue 1-9: The Analysis of Indirect Effects of Combustion Burdens the Coal Program.</p>	

Issue 1-10: Endangered Species Act Consultation Can Delay BLM Leasing Decisions.

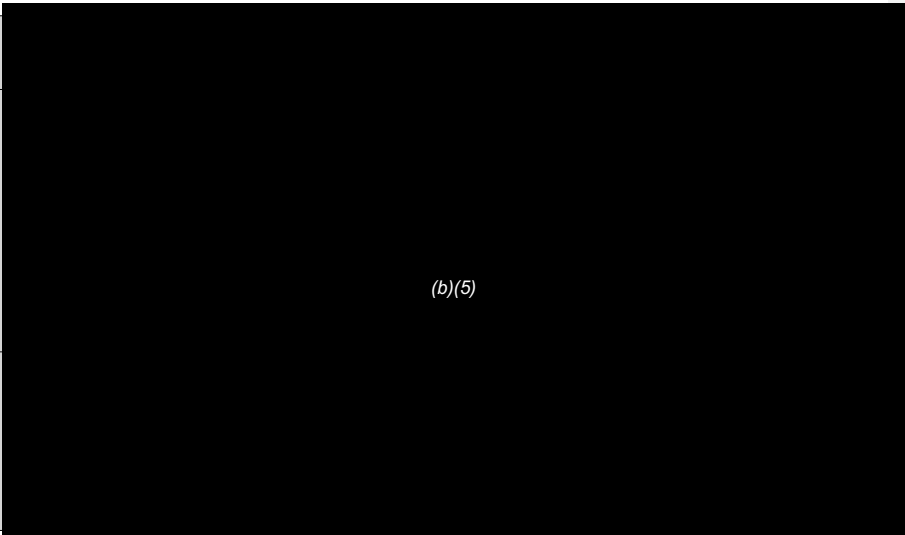
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Issue 1-11: The Freedom of Information Act (FOIA) is used as a tool to divert human resources and ultimately slow down the leasing and permitting process.

	<div></div> <div>(b)(5)</div>
<p>Issue 1-12: Regulations to implement the Energy Policy Act of 2005 have not been successfully promulgated, resulting in confusion by BLM staff, the public, and industry.</p>	
<p>*Issue 1-13: The public sees the competitive leasing process as non-competitive because most leases do not receive multiple bids which results in questions from investigators, Congress, the press and the public.</p>	

<p>*Issue 1-14: Delays and inconsistencies are caused because the BLM and other land management agencies do not have a Memorandum of Understanding (MOU) with EPA pertaining to air quality analysis.</p>	<p>(b)(5)</p>

Section 2 – Leasing and Permitting

Section 2 - Leasing and Permitting	 (b)(5)
Issue 2-1: Offering coal tracts for lease may be delayed by operators' business considerations, thereby precluding potential competing interests from developing the resource.	
*Issue 2-2: Industry submits incomplete or inadequate applications/data causing processing delays.	

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Issue 2-3: Current regulatory regime does not allow for Research and Development projects.	
Issue 2-4: Difficulties in obtaining qualified surface owner (QSO) consent causes substantial delays in application processing and uncertainty for industry.	

Issue 2-5: Discrepancies in the timing of Alluvial Valley Floor (AVF) determinations cause delays in application processing.

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Issue 2-6: Processing of lease modification applications (LMAs) and mining plan modification permit revisions may be unnecessarily segmented adding to delay in the overall process.

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Issue 2-7: The initial financial burden to operators of obtaining a lease may lead to delays in development or bypass of Federal coal.	
*Issue 2-8: Billions of tons of Federal coal are economically difficult or unattractive to mine due to the cost of opening mines in undeveloped areas.	

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***Issue 2-9:** United States Forest Service's (USFS) policies and procedures can cause lease processing delays.

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***Issue 2-10:** There are inconsistencies between mining plans submitted during leasing, the SMCRA permit approved by the regulatory authority, and the R2P2 recommended for approval by the BLM.

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Issue 2-11: Powder River Regional Coal Team (RCT) may serve a redundant purpose.		

Section 3 – National Environmental Policy Act (NEPA)

Section 3 - NEPA

Issue 3-1: The lack of available large-scale and cumulative data analyses slows the NEPA process for coal actions.

Issue 3-2: The inconsistent coal data availability across states and agencies weakens the analysis of coal actions.

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***Issue 3-3:** Separate BLM and OSMRE
NEPA processes slow coal application
process.

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<p>*Issue 3-4: Litigation slows down development, leasing, permitting, and mining plan decisions.</p>	
<p>Issue 3-5: Additional Categorical Exclusions are needed for small actions.</p>	

Issue 3-6: Coal projects are understaffed and not prioritized appropriately.

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Issue 3-7: Because coal leasing does not authorize surface disturbing activities, evaluate whether leases could be approved using Categorical Exclusions (CX).

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Section 4 – Fair Market Value

Section 4 - Fair Market Value	
<p>*Issue 4-1: Determining FMV for small leases, lease modifications, or low value coal tracts does not warrant full analysis.</p>	(b)(5)
<p>Issue 4-2: There needs to be the development of a national BLM FMV team to provide consistency and expediency to FMV determinations.</p>	

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<p>Issue 4-3: The third party review process by OVS of BLM's FMV determination does not have necessary guidance on standard data and methodology.</p>	
<p>Issue 4-4: Adequate and consistent data is often difficult to obtain and is needed to complete pre-sale FMV determinations.</p>	

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Issue 4-5: Low value coal properties could be disposed of or exchanged.	
Issue 4-6: The lease modification application FMV process is unnecessarily long.	

Issue 4-7: The statutory definition of "contiguous" for a lease modification creates a need for new leases in certain situations

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Section 5 – Program Administration

Section 5 - Program Administration

Issue 5-1: Implementing proposed actions in this report will require dedicated staff to supervise, coordinate, and ensure current and future workloads are managed throughout the field.

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Issue 5-2: BLM and OSMRE do not have the ability to recruit and retain qualified coal personnel.

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Issue 5-3: Inconsistent use of Electronic Files and Records causes delays in developing casefiles, processing FOIA requests, and preparing Administrative Records.	
*Issue 5-4: The MOU between BLM and OSMRE is outdated causing confusion with new program staff and adding to delays in processing times.	
*Issue 5-5: The public and coal applicants do not understand the roles, process, or timing of DOI agencies responsible for processing Federal Coal actions.	

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Report and Recommendations

Section 1: Regulations, Policies, and Guidance

As previously stated, in 1979, BLM promulgated new coal regulations supported by a Federal Coal Management Program Final Environmental Impact Statement. The regulations outlined two methods by which the Federal government would offer competitive coal leases, regional leasing and lease-by-application (LBA). The government has not offered coal tracts for sale using the regional leasing method since the 1980s, and a return to this type of leasing is unlikely because it was not effective, for the reasons discussed below. However, it remains the predominate method of leasing described in BLM's current Federal coal regulations.

Today, the government offers competitive coal tracts for sale solely using the LBA method. In most cases, an applicant is interested in obtaining a "maintenance" lease that will allow it to mine enough coal to fulfill existing contracts. Because this coal is usually of interest to only the applicant, the public does not consider this a "competitive" tract, even though the applicant must provide a sealed bid that must meet or exceed the unrevealed, pre-sale estimate of fair market value established by Department officials. Other statutes, such as the Energy Policy Act of 2005, added definitive requirements to the Federal coal program, and have not yet been incorporated into the Federal coal regulations.

Federal coal exploration, leasing, and development is also governed by a wide array of statutes (e.g., FCLAA, SMCRA, etc.), regulations, policies, and other guidance controlled by multiple agencies (e.g., OSMRE, EPA, State Regulatory Agencies, etc.) with different missions and objectives. At times, the applicable regulations and policies do not integrate well, causing conflict, confusion, and delay. The policies under BLM control can be easily revised, while revision of policies under the control of other agencies will require inter-agency coordination. There are also a number of policy issues that, while not directly tied to coal leasing and permitting, nonetheless influence Federal coal development.

Issue 1-1: The Federal coal leasing regulations that include Regional Leasing are outdated, which slows processing of coal actions and creates confusion for applicants and the public.

The Federal coal leasing regulations at 43 CFR 3420 and 3425 identify two processes for competitive coal leasing: regional leasing or LBA. Regional leasing is a complex process involving a centralized planning system with the government identifying, selecting and ranking prospective tracts, and then offering multiple coal tracts within one lease sale. By the late 1980s, DOI determined that regional leasing did not work because there was no market for obtaining undeveloped Federal coal tracts associated with prospective new mining operations. By that time, areas of coal production were well established and industry was primarily interested in obtaining additional coal reserves to maintain production of existing mining operations

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(maintenance leasing). Thus, in 1986, the Secretary of the Interior issued a decision allowing Regional Coal Teams (RCTs) to either continue offering coal tracts under the regional leasing process, or to “decertify” their coal production region, thus allowing industry to apply for Federal coal by the LBA process. The Secretary concluded his decision did not require a change to the coal leasing regulations. However, this has left the Federal coal regulations depicting the regional leasing process, without fully explaining that currently BLM is offering Federal coal for competitive sale solely under the LBA process. This situation contributes to confusion and distrust from regulators, Congress, and the public. Finally, the Federal coal leasing process laid out in the regulations has not significantly changed since 2002, and a review of the regulations, including consideration of recent public comment from listening sessions and scoping meetings could help BLM identify steps to streamline the Federal coal leasing process, and could result in a revised or new leasing program.

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Issue 1-2: The existing protocol for Federal Register Notice publications causes significant delays to the leasing process.

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Processing a single coal lease application requires the publication of five separate Federal Register Notices (FRNs). Additional FRNs may be required if the applicant decides to conduct exploratory activities under a Federal coal exploration license. BLM's protocol requires Notices prepared for publication in the Federal Register be reviewed and signed by employees from several WO divisions before approval to publish is granted. This has resulted in significant delays and difficulty in planning a Federal coal lease sale. In some cases, the FRN review process has added more than two years to the leasing process. BLM's coal leasing process must meet a carefully crafted schedule, ensuring that producing mines are able to maintain steady coal production, avoid layoffs, and reduce the possibility of economic impacts to the applicant and possibly the community. Extensive delays introduce uncertainty into the process for both the BLM State Office (SO) scheduling a lease sale, and for the applicant that seeks to securing additional reserves and needs sufficient funds for the FMV bid. An efficient FRN review process would significantly expedite the coal leasing application process to the point of competitive sale.

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Issue 1-3: The mining plan approval process may be unnecessarily protracted and duplicative.

The leasing and permitting of Federal coal occurs in a sequential three-phase process. Initially, the BLM issues the lease under the authority of the MLA. Secondly, the coal mining state RA approves the SMCRA permit application, including a mining and reclamation plan and the BLM recommends approval of the resource recovery and protection plan (R2P2⁶) that is required by the MLA. Lastly, the Assistant Secretary – Land and Minerals Management (ASLM), based upon the recommendation of OSMRE and BLM, approves the combined SMCRA mining plan for the leased Federal coal. Arguably, the OSMRE’s recommendation to the ASLM and the ASLM’s approval are bureaucratic and unnecessary steps. It is worth investigating whether it is legally possible to delegate mining plan review and approval authority to the BLM rather than OSMRE and the ASLM. The regulations at 30 CFR 740, *General Requirements for Surface Coal Mining and Reclamation Operations on Federal Lands* define the responsibilities of the Secretary, OSMRE, BLM and the Federal Land Management Agency (FLMA) as it pertains to mining plan approvals. Also defined at 30 CFR 740.4(c) are the SMCRA responsibilities on Federal lands acceptable for delegation to the State Regulatory Authority (RA) under a Cooperative Agreement. As has been historically interpreted, the regulation allows “selective” delegation of the listed responsibilities, with OSMRE retaining those responsibilities the States elects not to accept. This results in coordination and jurisdictional questions. Therefore, State RAs could assume responsibility for SMCRA regulations on Federal Lands in their entirety, with the exception of non-delegable responsibilities specified in SMCRA. Moving these responsibilities would not require an amendment to SMCRA or the MLA; however, significant administrative and regulatory actions would be necessary.

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⁶ The primary difference between the R2P2 and the mining and reclamation plan is that the R2P2 is the mining sequence approved by the BLM to achieve Maximum Economic Recovery of the coal resource.

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Issue 1-4: The Air Quality Modeling in BLM's NEPA Analysis is Costly and Time-Consuming.

BLM's NEPA analysis considers reasonably foreseeable direct, indirect, and cumulative impacts of leasing Federal coal through the proposed NEPA action or alternatives. While the BLM's NEPA action is to decide whether or not to offer a tract for competitive sale, BLM's NEPA analysis considers the impact of mining as a logical consequence of issuing maintenance leases at existing mines. In many cases, OSMRE serves as a cooperating agency on BLM's coal leasing document. When preparing a NEPA document, an accurate air quality model is necessary to support the cumulative effects analysis. However, preparing air quality models is often a costly and time-consuming process and appeals and litigation often challenges the adequacy of the air quality analysis for coal leasing and permitting decisions. BLM and other Federal and state stakeholders would work together to develop basin-wide or similarly scaled air quality models that would facilitate analysis of cumulative effects in all specific coal leasing basins where leasing is actively occurring. The expected benefits of regional air quality modeling is expedited coal leasing and permitting, and possible use in coal mine air quality permitting completed by State RAs.

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Issue 1-5: Many of the BLM Leasing Policies are Out of Date or Not Easily Accessible.

Most of the BLM's internal coal leasing guidance is greater than 30 years old. While these older documents still provide a valuable reference, they are becoming burdensome in that they do not always provide guidance relative to current policy. This is confusing for BLM and the public alike. For example, BLM's Competitive Coal Leasing Handbook (H-3420-1) still has lengthy directions for competitive regional leasing, a process that has not been used in several decades. Also, many documents are not handicap accessible (508 compliant) or in a reader friendly active voice. Many documents are not available electronically or are no longer available online. Clear and current policy guidance is a critical component of timely, consistent, and legally defensible coal lease application processing.

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Action 1-5.2 Develop or revise guidance

Consistent with the action plan approved by BLM management, the team would begin drafting guidance consistent with the schedule prescribed in the approved action plan. The time needed to draft new guidance will be dependent on the extent and type of change (handbook, IM, etc.), but is estimated to take 6 to 12 months to complete.

Issue 1-6: OSMRE’s lack of guidance defining “minor” mining plan revisions adds delay and inconsistencies to processing coal actions.

OSMRE is responsible for determining when a SMCRA permit revision submitted to the coal mining regulatory authority that includes a modification to the mining plan to mine Federal coal requires approval by the Secretary. The regulations at 30 CFR 746.18 set forth six criteria for when a permit revision constitutes a mining plan modification. Criterion Number 3 requires Secretarial approval (currently delegated to the ASLM) when there is any change in the location or amount of coal to be mined, except where such change is the result of a “minor change in the amount of coal actually available for mining from the amount estimated.” OSMRE makes the recommendation on when a mining plan modification requires Secretarial approval. Limited guidance exists regarding when OSMRE considers a mining plan modification to be “minor” and, thus, not require Secretarial approval. Specific guidelines regarding when a permit revision is “minor” in nature would allow OSMRE to reach a determination more efficiently and consistently.

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Issue 1-7: Royalty rate reductions can be an extended process due to ambiguous guidance.

Under section 39 of the MLA (30 U.S.C. 209), the Secretary has the authority to administratively reduce coal lease royalty rates, and has delegated this authority to the BLM. In order to process royalty reduction applications, the BLM uses certain processing criteria established by regulation (43 CFR 3473.3-2 and 3485.2). The first crit~~erion~~ is that the reduction has to be in the interest of conservation of the coal resource. Second, it must encourage the greatest ultimate recovery of the resource. Finally, it must be necessary either to promote development of the resource, or be justified because the lessee cannot successfully operate the lease under existing terms. Upon meeting the criteria, the BLM may grant royalty rate reductions on a lease-by-lease basis. BLM currently uses guidelines developed in 1990 to process royalty rate reductions. BLM published the draft guidelines in the Federal Register with solicitation for public comment. However, neither the guidelines nor the manual have been promulgated into regulation. BLM processes

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each application under one of five established (by guidance) royalty rate reduction categories. BLM field offices have not always been consistent in interpreting applicant data and processing requirements under the existing guidelines. The field office evaluation of the application and their recommendations are then reviewed by the respective BLM State Office (SO). Finally, the BLM Washington Office (WO) reviews the application for policy compliance, prior to approval. Significant processing delays can occur as each office works to obtain what they interpret as adequate documentation needed to support a royalty rate reduction application. This has resulted in delayed processing times, and uncertainty on the part of the applicant/industry who needs to plan on how, or if to mine the resource or move from the area.

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Issue 1-8: The BLM's delegation of authority for coal actions has recently caused legal and administrative problems and delays.

The BLM Delegation of Authority Manual (BLM Manual Section 1203), and other regulations, handbooks, and manuals identify which BLM officials are delegated to make specific decisions. Recent Interior Board of Land Appeals (IBLA) decisions (IBLA 2014-263 & 283 and 187 IBLA 349) have called into question BLM's interpretation of which officials may sign decisions for coal leasing actions.⁷ Recent changes to the 1203 Manual, subsequently adopted by many BLM

⁷ In the most recent of four decisions from the IBLA regarding BLM's interpretation of its delegations manual, the Board once again determined that the "wrong" BLM official had signed the West Antelope II coal lease modification and remanded the decision back to BLM without issuing a merits decision (here, the appellants had not raised a delegation claim). WildEarth Guardians et al., 189 IBLA 274 (February 7, 2017). On April 10, 2017, the Solicitor's Office filed a Petition for Director Review requesting that the Director reverse the Board's decision and determine that, among other things, a third party does not have standing to challenge the BLM delegations manual.

coal state offices, resulted in confusion about the correct BLM official authorized to sign coal leasing Decision Records. BLM manuals and handbooks associated with delegated authorities should be consistent with management level recommendations for coal program decisions set in statute and regulation.

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All BLM coal leasing decisions and mining plan approvals issued by the ASLM require environmental review in accordance with NEPA. Pursuant to judicial decisions, for actions such as a Federal coal lease sale, impacts associated with the eventual combustion of coal from the LBA is an indirect effect requiring analysis in the NEPA document. While calculating potential GHG emissions is relatively straightforward (though includes assumptions about lack of carbon capture and storage), the analysis of other effects of coal combustion can be an extremely complex, costly, and a time consuming process, adding significantly to the processing time for leasing and mining plan approvals. In almost every case, the coal combustion occurs at an existing steam electric power generating facility, with existing Clean Air Act permits that meet EPA requirements that have already considered the environmental and human health effects of coal combustion.

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On April 19, 2017, the Director issued a Docketing Notice allowing the appellants 30 days to file an opposition to the petition and BLM 30 days from that date to file a reply. WildEarth Guardians et al., DIR-2017-0063.

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Issue 1-10: Endangered Species Act Consultation Can Delay BLM Leasing Decisions.

BLM and OSMRE must comply with the ESA at both the leasing and permitting stage. Separate consultations are typically conducted with the U.S. Fish and Wildlife Service (USFWS), in accordance with the requirements of section 7 of the ESA, first by BLM prior to leasing and later by OSMRE for mining approvals. The preparation of a Biological Assessment (BA), completion of the formal consultation process, and the USFWS's issuance of a Biological Opinion for the leasing or mining plan decision is often long and can create significant delays, uncertainties, and can jeopardize the timely completion of a Federal coal leasing or mining plan decision. OSMRE is currently working with the USFWS to complete a Programmatic Consultation for the coal permitting process. If

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Issue 1-12: Regulations to implement the Energy Policy Act of 2005 have not been successfully promulgated, resulting in confusion by BLM staff, the public, and industry.

On August 8, 2005, the President signed into law the Energy Policy Act (EP Act) of 2005, Public Law No. 109-58, 119 Stat. 594. Title IV, Subtitle D of the EP Act, is entitled “Coal Leasing Amendments Act of 2005.” The BLM proposed to implement provisions of the EP Act that require regulatory amendments (RIN 1004-AD93) on August 12, 2013 (78 FR 49080-103). The BLM proposed regulations would: implement Title IV, Subtitle D of the EP Act and clarify that assessment of a 12½ percent royalty rate applies to all Federal coal except coal mined from underground mines; withdraw the Logical Mining Unit (LMU) Application and Processing Guidelines (LMU Guidelines); promulgate portions of the LMU Guidelines as regulations; establish new coal processing fees; and, make technical and editorial corrections to the existing regulations.

The BLM WO issued several Instruction Memorandums (IM) to implement the EP Act, including WO-IM-2006-004 (September 30, 2005) concerning lease modification acreage, WO-IM-2006-045 (November 25, 2005) concerning deferred bonus payments, and WO-IM-2006-127 (March 24, 2006) concerning advance royalty. These interim policies were the framework for the proposed regulations noted above.

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Also, in response to the EP Act, ONRR proposed a companion rule that implements the part of Section 434 (RIN 1012-AA04) concerning the processes and standards for determining value for payment of advance royalties (78 FR 49060-78).

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Issue 1-13: The public sees the competitive leasing process as non-competitive because most leases do not receive multiple bids, which results in questions from investigators, Congress, the press and the public.

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Statute and regulations require BLM to offer Federal coal for sale by competitive bidding, and only accept those bids that meet or exceed FMV. Current coal leasing regulations discuss the process of offering competitive leases, but provide no definition of what constitutes a competitive lease sale. Because most of the coal tracts offered are for maintenance leases, historically, the BLM generally only receives one sealed bid at lease sale, even when the tracts are reconfigured by BLM to be more attractive to other adjacent or nearby mining operations. The current perception by the public is that receipt of only one bid for a coal tract does not result in a competitive lease sale. This is incorrect. The bidder is placing a bid against the unrevealed, presale FMV estimate prepared by BLM, with concurrence by the OVS. Even if BLM only receives one sealed bid for a tract, a successful bidder still has to exceed the pre-sale FMV estimate, and if this occurs, the Federal government is in receipt of additional monies above FMV.

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Issue 1-14: Delays and inconsistencies occur because the BLM and other agencies that participate in the coal leasing and permitting process do not have a Memorandum of Understanding (MOU) with EPA pertaining to air quality analysis.

The BLM's coal lease is the first stage of a multi-stage process leading to development and production of Federal coal. BLM is the first agency preparing a NEPA document, and other agencies serve as cooperators or co-leads. Leasing does not allow for immediate development of coal. It is the lessee's responsibility to apply for, and receive, approval to mine Federal coal from OSMRE or the State Regulatory Authority (RA) and the Assistant Secretary for Lands and Minerals (ASLM) through OSMRE, and ultimately market this coal. During the approval process, BLM and OSMRE are required to analyze the potential environmental effects of issuing a lease and the mining plan approval in accordance with NEPA and the Endangered Species Act (ESA). Both NEPA and ESA require the consideration of direct, indirect, and cumulative effects. In most cases, combustion is the known end use of Federal coal and the indirect effects and cumulative effects of the combustion of the Federal coal are considered under NEPA and ESA. Both the BLM and OSMRE receive significant public comment regarding the consideration of air quality, human health, and climate change effects when analyzing the environmental effects of leasing and mining plan decisions. Uncertainties regarding the appropriate level of analysis for considering the environmental and human health effects of combustion can delay NEPA and ESA analysis due to extensive data collection and modeling. Closer coordination with the EPA regarding an appropriate level of combustion analysis and data sharing will help eliminate unnecessary or redundant analysis and avoid delays.

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Key state recommendations under Regulations, Policy, and Guidance:

North Dakota focused on untimely leasing of Federal coal and the reasons for lack of competition. They point out that Federal coal leasing requirements are more onerous than leasing private or state-owned coal. They suggest in a state where the Federal coal resource is not dominate, untimely leasing results in bypass coal and loss of revenue to private landowners, and local, state and federal governments. They further suggest the government needs to provide more certainty to industry by leasing in a more timely manner. The state also discussed the criticism directed at the Federal coal leasing program because of lack of competition, but believes it is highly unlikely that another mining company would bid on tracts within a mining company's extended plan.

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Ohio stated that dual or triple regulations and layers of permitting actions reduce accountability to the public and regulated community and make the process less transparent. They recommend agency and program consolidation should be examined in order to clarify permitting responsibilities.

Wyoming supported the current LBA and LMA process used by BLM since decertification, but requested DOI reduce or eliminate the need to conduct a second environmental analysis to approve the Federal mine plan. One of their recommendations was for OSMRE to conduct an early review of the mine plan and associated impacts and clarify with the BLM the data necessary in the NEPA document prepared for leasing.

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Consistent with comments received from the states, this report proposes actions that, if implemented, would clarify regulations that are currently slowing down the processing of coal action and reflect our current practices (Issue 1-1) and reduce administrative reviews (such as Federal Register Notices, Issue 1-2). This report includes suggestions for reducing the protracted and duplicative nature of mine permit process (Issue 1-3). This report also recognizes the perception that the Federal coal leasing program is noncompetitive because most leases are applied for to maintain current production at an existing mine (Issue 1-13). Finally, the need for early review of the mine plan was not addressed in this section, but in section 2 (Issue 2-10)

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Section 2: Leasing and Permitting

As previously stated, the Federal Coal Program, initiated shortly after the passage of BLM's Organic Act, FLPMA, contemplated a leasing method where the government would determine where and how much coal it would offer for lease, based on the government's view of market need. Since that time, the Federal coal leasing program has changed substantially based on the results of litigation, internal review, and Federal investigations, but BLM's regulations (which allow for both regional leasing, which is no longer performed, and the lease by application process (LBA)) have not been updated to reflect many of these changes. However, once the infrastructure for a mine is in place, the mining company typically is interested in leasing from the government only the amount of coal needed to continue operations at that mine and fulfill contracts for coal produced by that mine. Thus, leasing of Federal coal today is almost exclusively in response to "maintenance" lease applications.

Providing incentives for new mine development within "greenfield" (previously undeveloped) areas may reduce the barriers for entry into the coal markets and promote competition for publicly owned coal resources. There has also been interest in developing various coal conversion technologies (e.g., "coal to liquids" and "coal gasification"); however, under the current leasing program, testing alternate methods of coal development on Federal land could only occur by applying for and obtaining a competitive coal lease. The regulatory and statutory requirements for coal development could be revised to allow research and development proposals to be effectively and efficiently pursued outside of the competitive process, allowing for more diverse utilization of the public's abundant coal resources.

Further complicating the means to develop "greenfield" or new coal conversion technologies, several Federal agencies are involved in managing Federal coal, all with specific authorities. As previously discussed, in relation to developing coal from Federal lands, the BLM serves as the leasing agent, and OSMRE is responsible for oversight in the preparation of the mining and reclamation plan, as well as preparing the recommendation for the mining plan for ASLM approval. Both agencies must satisfy NEPA. The entire process is lengthy, often taking ten years or longer to complete, largely due to the time it takes BLM and OSMRE to prepare their respective NEPA documents. Longer leasing and permitting timeframes lead to applicants applying for larger coal tracts to sustain annual mine production rates over time. Additional financial resources are required to maintain mine production rates, which may lead to an increase in the number of Federal coal lease applicants requesting postponement of Federal coal lease sales in order to obtain the necessary financial resources.

Issue 2-1: Offering coal tracts for lease may be delayed by operators' business considerations, thereby precluding potential competing interests from developing the resource.

Due to the recent downturn in market conditions, several lease applicants have requested that BLM significantly delay holding a lease sale after BLM has issued a decision recommending the

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tract be offered for sale. The BLM believes it is in the best interest of the Federal government and the public to offer coal LBA tracts when economic conditions result in a more favorable outcome for all stakeholders, maximizing the return received for the public. As such, the BLM SOs have postponed lease sales or application processing at the applicant's request. However, other entities may be interested in leasing this coal, especially in areas such as the PRB where two or more mines may be adjacent to one another and the tract in question. There are additional considerations when an extensive delay occurs prior to a lease sale. If the FMV estimate has been prepared, updating the estimate may be necessary if the market conditions have changed, or the delay exceeds one year, leading to additional work. Extensive delays also mean that BLM may need to conduct additional NEPA work. Finally, extensive delays in offering these tracts for lease could be considered speculation. (b)(5)

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Issue 2-2: Industry submits incomplete or inadequate applications/data causing processing delays.

In the late 1980s, BLM established minimum application data standards for each important coal basin/region for various resources (e.g., geologic, cultural, air quality, wildlife, socioeconomic, etc.). This baseline data supports delineation of a coal tract that achieves maximum economic recovery of Federal coal and the preparation of the NEPA document to support coal leasing decisions. Adequate and timely information is needed to prepare pre-sale FMV and NEPA compliance documents for mining plans (OSMRE). When BLM receives insufficient data, or experiences delays in receiving adequate data, it ultimately affects when BLM can offer a tract

for lease, and when a company can begin mining coal. Leasing, permitting, and mining plan modifications are generally a sequential process. BLM and OSMRE would consider opportunities that would allow for a more concurrent processing of the separate agency actions.

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Issue 2-3: The current regulatory regime does not allow for Research and Development projects.

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In the past, BLM has been contacted by academia, industry, and sister agencies (e.g., USGS), regarding securing a small tract of Federal coal lands to test various non-traditional (e.g.,

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methanogenesis, in-situ gasification, etc.), methods of extracting energy from coal resources. Current Federal coal regulations are inflexible, as the only method of authorizing a new coal use is by offering a tract for sale under the competitive leasing process.

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Issue 2-4: Difficulties in obtaining qualified surface owner (QSO) consent causes substantial delays in application processing and uncertainty for industry.

Federal regulations at 43 CFR 3427.1 provide that where surface lands are owned by a QSO that would be mined by any technique other than underground mining, the lands shall not be included in a lease sale without evidence of written consent from the QSO. The intent of this regulation is to implement section 714 of SMCRA (30 U.S.C. 1272(b)). Regulations have been established defining QSO requirements. There are two requirements associated with QSO determinations: 1) BLM must receive information regarding landowner eligibility to evaluate if the landowner meets QSO requirements, and 2) if the landowner qualifies, there must be evidence of written consent from the QSO that any successful bidder would have access to mine Federal surface minable reserves. Landowners who are contacted, but do not provide information in response to BLM's request, are considered unqualified (43 CFR 3427.2(j)). Two corresponding issues have arisen regarding timely receipt of information and delay in obtaining written consent. First, not receiving information about QSO has resulted in the sale of leases for land that cannot be permitted under SMCRA because landowners would not grant consent for surface mining (land owners that would have been determined to be QSO, but were initially determined unqualified due to lack of response). Although not addressed in statute or regulation, BLM has allowed coal companies to provide tax records and other information as evidence that private surface owners are QSOs. If it is determined they are, and the QSO would not grant consent to mine, the BLM could configure to remove these lands from the tract. BLM has rejected an application after completing the final EIS because the company could not receive QSO consent and the remaining lands were not sufficient to offer a tract for sale that was in the public interest. This wastes government time and resources. Additionally, not receiving timely QSO consent results in the inability to configure a public interest tract and affects the fair market value process that is generally completed concurrently with NEPA.

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Issue 2-5: Discrepancies in the timing of Alluvial Valley Floor (AVF) determinations cause delays in application processing.

The Department carries out the review of Federal lands under section 522(b) of the SMCRA principally through land use planning assessments by the [SMA] regarding the unsuitability of Federal lands for all or certain stipulated methods of coal mining (43 CFR Part 3460). During the land use planning process, the SMA considers twenty criteria, including the presence or absence of an alluvial valley floor (AVF), (Criterion 19). Where mining would interrupt, discontinue, or preclude farming in an AVF, the land is considered unsuitable for mining. Additionally, when mining Federal land outside an AVF would materially damage the quantity or quality of water in surface or underground water systems that would supply AVFs, the land is also considered unsuitable. During the land use planning process, the application of Criterion 19 can be deferred to site-specific environmental analysis during coal leasing. However, the AVF determination must occur prior to approval of the mining permit. In some cases, the determination of the presence or absence of an AVF during land use planning and leasing may conflict with the findings and determination made by the SMCRA RA. In these instances, the discrepancy in the AVF determination can cause delays in permitting and mining plan approval. In addition, if an AVF determination prohibits mining after award of the lease, the successful bidder would have purchased coal resources they would be unable to mine and would qualify for an exchange for unleased Federal coal, adding several more years to the process.

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Issue 2-6: Processing of lease modification applications and mining plan modifications permit revisions may be unnecessarily segmented adding to delay in the overall process.

The modification of a lease and the eventual mining of the Federal coal occurs in a sequential three phase process: (1) the coal lease modification is issued by the BLM; (2) the RA approves the permit revision, which must include the modified R2P2 approved by the BLM; and (3) the ASLM, based upon a recommendation from OSMRE, approves the mining plan modification. OSMRE regulations at 30 CFR 778.15(a) require that the permit application include a description of the documents upon which the applicant bases his legal right to enter and begin surface coal mining operations before a permit can be deemed administratively complete and made available for public review. This requirement may unnecessarily segment the lease modification approval process, including environmental analysis under NEPA, from the Secretarial mining plan modification approval process, causing delays that can result in coal bypass.

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Issue 2-7: The initial financial burden to operators of obtaining a lease may lead to delays in development or bypass of Federal coal.

Coal lease bonus bids are a large investment for coal companies (often hundreds of millions of dollars for larger operations). FCLAA established the ability to offer deferred bonus bids allowing the company to either pay the entire bonus immediately or pay 1/5 of the bonus bid upfront and the rest over the next four years (43 CFR 3422.4(c)). Where large tracts of Federal coal are offered for lease, payment of 1/5 of the bonus can still require a considerable amount of fiscal obligation and could considerably strain the lessee's finances, especially in a down market. As a result, in recent history companies have frequently requested the BLM delay a lease sale or defer further processing of a lease or lease modification application. Reducing the upfront cost to a company could result in BLM receiving fewer requests for delays of sales and potentially realize an increase in successful sales.



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Issue 2-8: Billions of tons of Federal coal are economically difficult or unattractive to mine due to the cost of opening mines in undeveloped areas.

Continuing to lease Federal coal adjacent to existing mines is attractive to companies because they have already invested in the roads, rail, processing facilities, and other infrastructure necessary to support mine operations and delivery to markets. Moving into a new mining areas (or "greenfields") requires a large capital investment for infrastructure, which could place even a property with favorable development characteristics (e.g., marketable BTU, low strip ratio, low sulfur, etc.) at a competitive disadvantage in the coal markets. Additional financial risks are associated with investing significant capital into opening new mines in greenfield coal areas attributable to permitting and market uncertainties. Coal tracts in greenfield coal areas may require more extensive exploration drilling, as compared to maintenance tracts, in order to define geologic structures and the presence of adverse geologic conditions. BLM may need to amend or extend applicable Resource Management Plans (RMPs) if it determines that any greenfield tracts applied for by industry would be acceptable for further coal leasing consideration. There may be uncertainty and/or an increased financial risk with obtaining surface owner consent in an area where mining has traditionally not occurred. Extensive analysis would be required to characterize overburden, soil, and vegetation types for mine permitting, converse to extension of existing mining activities, where a better understanding of the natural resource values exist. There may be additional risks associated with establishing transportation infrastructure and negotiating competitive rail and transportation contracts. Developing coal tracts in greenfield areas would inherently face the risk of inaccurately projecting mining costs. Realizing returns on investments associated with new mine starts is also less certain than on existing operations due in part to market uncertainties associated with negotiating short and long-term contracts, as well as the amount of production that could be sold on the spot and long-term coal markets. Thus, there is little incentive for industry to explore greenfields for future coal mining, especially in a down market.

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Issue 2-9: United States Forest Service's (USFS) policies and procedures can cause lease processing delays.

BLM manages the minerals underlying surface managed by other Federal agencies. The USFS manages land in several prolific coal producing basins. Prior to leasing within National Forest System lands, areas must be identified as acceptable for further coal leasing consideration. In addition, the BLM is required to obtain the consent to lease from the surface management agency (SMA) (43 CFR 3420.4-2). Generally, the SMA would participate as a cooperating agency with BLM on coal lease NEPA (USFS can also be the lead or co-lead in certain situations pursuant to an agreement between the agencies), so it can record a decision prior to preparing a lease consent document. SMAs also have other priority projects, consistent with their mission, often resulting in delays in completing the coal lease NEPA, the decision and/or the consent document. Currently, BLM and USFS work together on coal leasing applications under an Interagency Agreement (IA) signed in 1984. This IA describes situations where USFS would act as a lead agency on Federal coal lease application NEPA and those cases where BLM would serve as the lead agency. Because BLM has the authority to determine whether to lease Federal coal, it would be more appropriate for BLM to serve as lead agency on all coal lease NEPA. WO has worked for a number of years in preparing a new BLM-USFS MOU to outline the agencies' responsibilities when taking on Federal coal actions. Revision of the IA would include discussion of the lead agency issue. Further, Section 304 of FLPMA allows BLM to establish reasonable fees to process applications. BLM uses this authority to request cost recovery when processing LBAs, but this authority is not specifically extended to agencies located outside of the DOI. However, it is used for programs such as forestry and realty. The USFS may have statutory authority to collect cost recovery fees to conduct NEPA under the 1952 Independent Offices Appropriation Act (31 U.S.C. 9701).

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Issue 2-10: There are inconsistencies between mining plans submitted during leasing, the SMCRA permit approved by the regulatory authority, and the R2P2 recommended for approval by the BLM.

As previously stated, the leasing and mining of Federal coal occurs in a sequential three phase process: (1) the coal lease is issued by the BLM; (2) the RA approves the permit application and the BLM recommends approval of the R2P2; and (3) the ASLM, based upon the recommendation of OSMRE, approves the mining plan. The R2P2 must include, among other things, the proposed mining operation plan, demonstrating maximum economic recovery (MER) of the Federal coal for the life of the lease. In some cases, the R2P2 demonstrating MER for the Federal lease is not consistent with the mining plan submitted to the RA as part of SMCRA permit application. Any inconsistencies must be resolved before OSMRE would recommend approval of the mining plan to the ASLM under 30 CFR 746.13.

The SMCRA permit typically does not include the entire lease, or at least does not authorize mining of the entire lease. The mining plan covers only that portion of the permit area where the permit has authorized mining under the permit. As mining progresses, the permit may be amended to authorize mining of additional areas or a new permit may be issued for the additional area. In either case, the modification of the mining plan is needed to encompass the additional acreage. Each mining plan and, with certain exceptions, each mining plan modification requires preparation of NEPA compliance documents, which can be a relatively lengthy process.

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Issue 2-11: Powder River Regional Coal Team (RCT) may serve a redundant purpose.

Decisions made by the Secretary in 1986 allowed coal production regions to determine whether to continue regional leasing, or accept applications from industry to maintain their current operations (lease-by-application). In January 1990, a decision to conditionally “decertify” the Powder River Coal Production Region was published in the Federal Register (55 FR 784-5). The conditions of this decision included: 1) the RCT would continue to guide the subsequent LBA process; 2) the LBA was restricted to tracts that would continue or extend the life of a mine; 3) applications for new mines or to expand existing mine facilities would be considered on a case-by-case basis by the RCT; and 4) operating guidelines for processing coal LBAs must be approved by the RCT. The Powder River RCT is the only remaining team and continues to meet and advise BLM after receiving new LBAs, or new coal actions within the basin.

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Key state recommendations under Leasing and Permitting:

North Dakota suggested improving coal leasing and permitting by combining the Federal coal leasing and Mine Plan Approval process into a single action that would make the process more efficient while still providing the required environmental protection. The state also discussed a concept of “true” primacy they have permitting private and state coal lands, but that when Federal coal is involved, another level of approval is required. They suggest that if North Dakota’s program standards are adequate for permitting private and state coal lands, they should be adequate for permitting Federal coal tracts.

Ohio recommended designating a primary agency to coordinate permit review and develop agreements to aid in efficient processing. They also discussed keeping timelines and felt that MOUs and agreements can help keep permitting on track, but further suggest support for establishing timelines through regulation and/or guidelines. They also suggest holding joint agency meetings that discuss agency roles and responsibilities, and believe lack of familiarity with mining processes make it difficult for agencies to make meaningful comments on the Federal permitting process. Finally, from a broad perspective, they felt dual or triple regulation reduces accountability to the public and regulated community, and layers of permitting actions make the process less transparent. Their recommendation is to examine agency and program consolidation to clarify permitting responsibilities.

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Oklahoma felt that a process needs to be implemented to bring “certainty” and a shorten timeframe from the date of permit application to the date of a permit decision would be of great value.

Utah pointed out that there seems to be a duplication of effort on the part of the state and the Federal government when it comes to dealing with the effects of mining on Federal surface. They point to the cooperative agreement between the Governor of Utah and Secretary of the Interior intended to minimize intergovernmental overlap and duplication and said the State needs to be trusted to do its job. They go on to note that OSMRE should not be relying on Federal guidelines in oversight states, as these guidelines may not hold up under legal review.

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Wyoming discussed the history of the coal program, how it made the transition to the maintenance leasing implemented today, and the difficulty in establishing a new mine operation in the region where large surface coal mines supported by extensive infrastructure already exist. They close this section by recommending that leasing EISs should recognize that the Wyoming mines are area surface mines and reclamation occurs concurrent with mining operations. Further, to aid the varied background of NEPA reviewers, they suggested presenting correct definitions and terminology in the leasing EIS, as well as reclamation [permit] information such as acres permitted, disturbed, reclaimed, etc.

The report addresses the states’ concerns regarding duplicative efforts in the leasing and permitting process between the state regulatory agencies, BLM and OSMRE and the need to

review the mine plan early in the process (Issue 2-10; also see Issue 1-3). No specific mention was given to relieving OSMRE of its oversight duties associated with Federal coal in states with programmatic agreements. However, this recommendation could be part of the OSMRE, BLM, and State regulatory agency discussion on changes in mine permitting on Federal coal lands (Action 1-3.1). The report acknowledges the importance of establishing minimum data standards, and obtaining necessary data early on in the leasing and permitting process (see Issue 2-2). Finally, the difficulty in establishing new mine operations in mature coal basins was acknowledged in this section of the report, and potential actions were developed that could encourage industry to consider new development outside of existing mines (Issue 2-8).

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Section 3: National Environmental Policy Act (NEPA)

NEPA compliance is required for all Federal coal actions and the NEPA process comprises a large portion of the regulatory review timeframe. Over the past 20 years, Federal coal NEPA processes and analyses have become very lengthy and complicated. NEPA is a strategic topic for streamlining the Federal Coal Program because BLM and OSMRE often each prepare documents to satisfy NEPA. BLM issues coal leases and OSMRE prepares the Mining Plan Decision Document (MPDD) and recommendation for ASLM approval.

BLM's EISs for coal leasing often take five or more years to complete. Before mining leased coal, operators must prepare a mining plan and SMCRA permit for approval. This is completed by the states that OSMRE has granted primacy and completed by OSMRE in states without primacy and on Indian land. OSMRE recommendations for MPDD decisions occur on a linear timeline with a review process that may extend many years after BLM has issued a lease. Since OSMRE has this authority, and must prepare NEPA for the mining plan, it often joins BLM as a cooperating agency on the EIS prepared for the leasing decision. However, due to the time between a BLM issuing a Federal coal lease, and submission by the operator of a technically complete mining plan, BLM's NEPA may be stale, resulting in OSMRE supplementing or preparing new analyses.

Inconsistent Federal coal management and processes across state lines and lack of coal staff in BLM and OSMRE further impede the coal leasing and mining plan approval processes. The agencies should examine and modernize their procedures to allow for more efficient and consistent coal processes.

Issue 3-1: The lack of available large-scale and cumulative data analyses slows the NEPA process for coal actions.

There is a lack of readily available large-scale and basin-wide comprehensive/cumulative data studies for air quality, greenhouse gas (GHG) emissions and sequestration, water resources, and socio-economics. Preparing and maintaining updated modeling, basin-wide baseline reports, and cumulative data study reports would expedite the NEPA process and improve the overall quality of BLM and OSMRE environmental documents.

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Issue 3-2: The inconsistent coal data availability across states and agencies weakens the analysis of coal actions.

A “data adequacy standard” provides the minimum quality and quantity of data needed in order to prepare coal NEPA documents. Several Federally managed coal basins may not have an up-to-date document that fully explains the current data requirements for Federal coal projects.

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Issue 3-3: Separate BLM and OSMRE NEPA processes slow coal application processing.

Each agency requires multiple studies, review schedules, and coordination efforts to inform their

respective decision-making process. Separate NEPA efforts are inefficient and lead to public confusion regarding each agency's mission and role, inconsistent studies (modeling and data collection methods), duplicate resource agency reviews, long lag times between reviews and decisions, and additional legal risks. There are many examples where joint NEPA processes have been successfully implemented (e.g., Lost Creek Uranium EIS -- BLM/Nuclear Regulatory Commission), Transwest Express Transmission Line EIS (BLM/Western Area Power Administration), Foidel Creek EA (BLM lead/OSMRE as cooperator), El Segundo EA (BLM lead/OSMRE Cooperator) and the King II EA (BLM/OSM as co-leads)). A joint NEPA process would provide continuity with resource agencies, common study methodologies, consistent terminology, and clearer public participation opportunities

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Issue 3-4: Litigation slows down development, leasing, permitting, and mining plan decisions.

Environmental groups are challenging almost every coal action from exploration plans and leasing decisions to mining plan decisions. Generally, this results in valuable staff specialist and solicitor time taken away from other work, such as processing existing leasing applications. Defense of litigation also taxes the agencies' budgets.

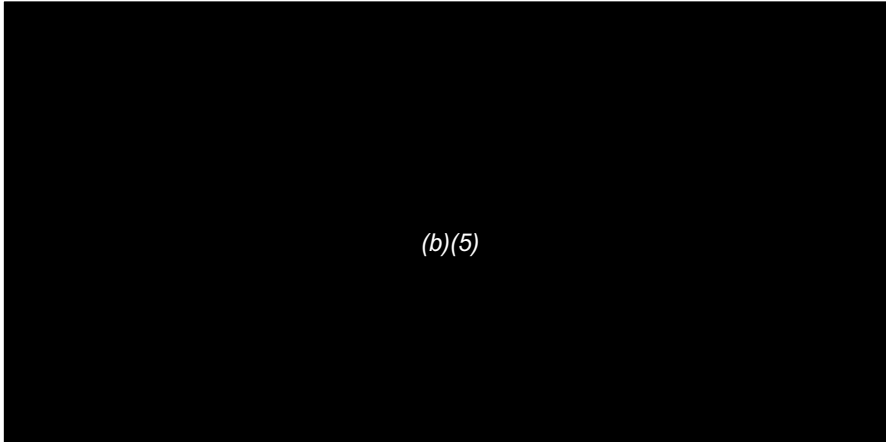
Action 3-4.1: A joint NEPA process could reduce NEPA related litigation and appeals

Certain environmental groups appeal all leasing decisions to the IBLA, and then may later withdraw the appeal and bring an action in Federal district court. Mining plan decisions, signed by the ASLM, are challenged in Federal district court because the IBLA does not have jurisdiction to hear these challenges. This may result in leasing appeals before the IBLA and mining plan decision litigation in Federal District Court for the same tract pending at the same time, causing additional delay and uncertainty. The groups have not been overly successful in obtaining stays or preliminary injunctions to stop leases or mine plan approvals, but appeals and

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litigation can last several years. At times, operators are hesitant to proceed due to the uncertainty of pending litigation.

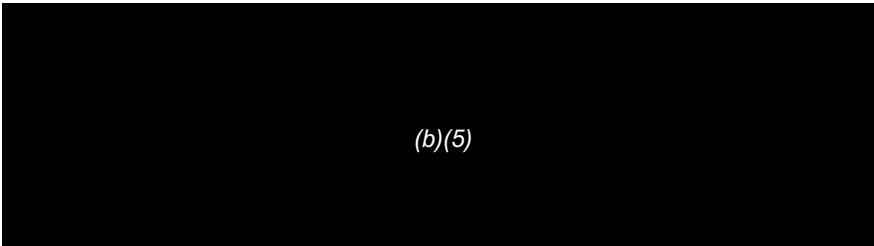


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Issue 3-5: Additional Categorical Exclusions are needed for small coal actions

BLM and OSMRE currently have to conduct full NEPA processes for small actions, such as Exploration Licenses, Lease Modification Applications (LMA), Research, Development, & Demonstration (RD&D) leases, and mining plan modifications. Use of categorical exclusions could expedite the amount of time to complete and implement small coal actions.



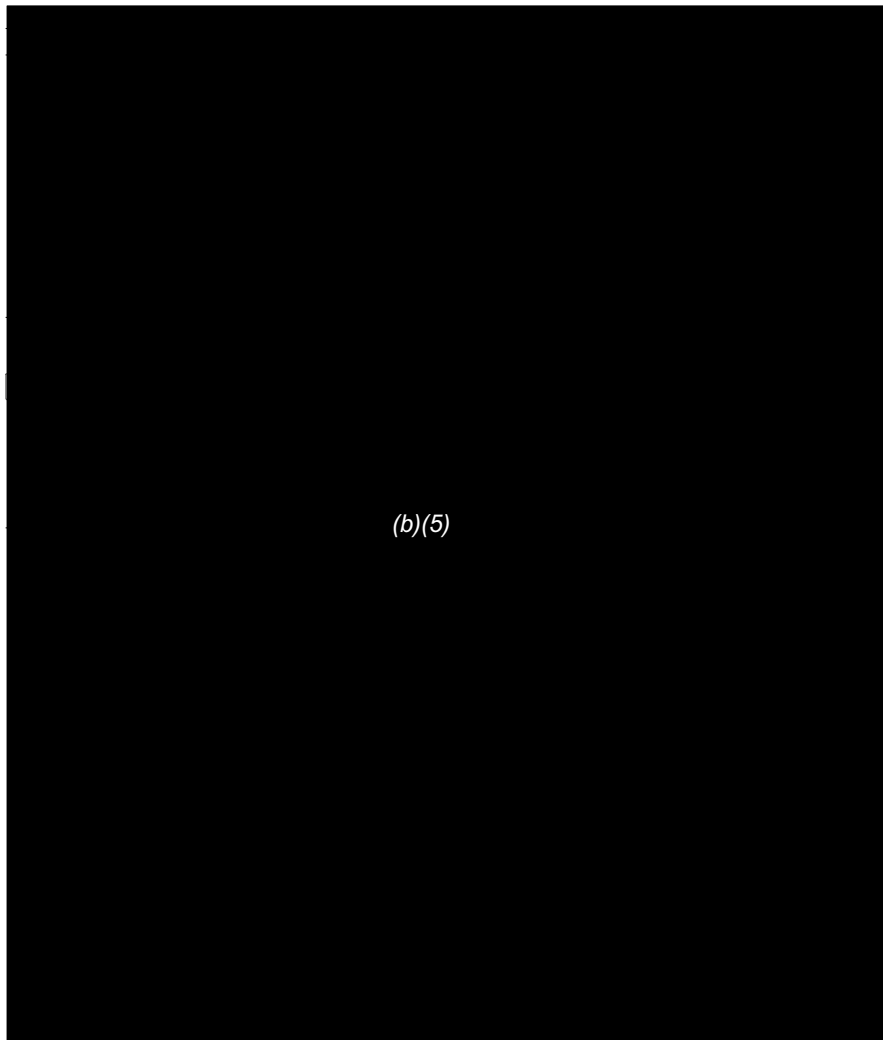
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Issue 3-6: Coal projects are understaffed and not prioritized appropriately.

Agencies and offices that are understaffed are unable to prioritize coal projects. Completing high quality NEPA documents requires an interdisciplinary team of competent specialists. These specialists often have high priority tasks within their field of specialization (i.e., wildlife, cultural, etc.) and are likely to be on NEPA teams for multiple projects. Lack of dedicated staff

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and other missing resources cause delays in NEPA processes. Coal projects could reasonably be nationally prioritized.



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Issue 3-7: Because coal leasing does not authorize surface disturbing activities, evaluate whether leases could be approved using Categorical Exclusions (CX).

BLM's leasing Federal coal to an applicant does not result in any significant, direct, environmental impact as the coal cannot be mined until a SMCRA permit is approved. Because Federal coal leasing is a Federal action, NEPA is initiated, but this could be completed either through an administrative, or statutory categorical exclusion (CX). After a lease has been issued, a mining plan should be required to indicate how the Federal coal lease would be mined. This mining plan should be subject to full NEPA analysis. Subsequent to approval of the mine plan for the entire lease, SMCRA permits, as needed, may be issued by the State RA with no further NEPA evaluation. The exception would be if the SMCRA permit applications were found to be inconsistent with any lease stipulations derived through the NEPA process and/or the previously approved mine plan. Preparing NEPA for the actual mining operation, rather than the leasing stage, would make the process more meaningful and eliminate redundant NEPA evaluations. It also allows State RAs to issue permits without further NEPA assessments, resulting in significant reduction in processing times, and providing efficiency to the mine plan permitting process.

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During the LBA process, in addition to preparing the NEPA document, BLM takes other steps to meet its statutory requirement to lease tracts that permit the mining of all coal, which can be economically extracted. If BLM does not prepare NEPA at the leasing stage, there needs to be processes in place that address the application of required actions. For example, BLM is required to take public comments on the application of unsuitability criteria (43 CFR 3461.1-3(a)(1)), fair market value (Section 2 of FCLAA), and MER (43 CFR 3422.1).

In addition, since BLM would not be preparing a NEPA analysis at the leasing stage, environmental issues affecting the final tract configuration offered for lease will be more difficult to identify. BLM may wish to develop policy to address known or possible issues to review (e.g., uses such as O&G development or other resource conflicts not identified in the unsuitability criteria), prior to configuring a tract.

Conversely, BLM may choose to issue a policy that states the tract will be offered as applied for once reviewed against the applicable Resource Management Plan (for conformance) and check of land status records (ensuring only federal coal lands would be offered), and after all necessary written consents (SMAs, QSOs, etc.) have been received.

In addition to facilitating the application statutory and regulatory requirements, one of the results from BLM coal leasing NEPA is that there is a decision from the authorized officer that carves out those areas where environmental conditions are such they should not be offered for lease. Typically, BLM's offered tract has removed environmentally sensitive areas and FMV will be estimated based on the coal resources the applicant will be able to mine. If subsequent NEPA conducted during permitting identifies areas that cannot be mined, BLM will need to find

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a solution to refund monies to the applicant. BLM currently has limited authority to give monies paid for a lease tract back to the successful bidder (see 43 CFR 3422.4 (e)). Because of the time it would take to prepare an EIS for the SMCRA mining plan, it is likely all bonus monies would have been paid prior to permitting.

Section 7 of FCLAA requires that any lease which is not producing in commercial quantities at the end of ten years to be terminated. It is not uncommon for the EIS process to take six or more years to be completed and a decision made. This could jeopardize the ability for a lessee to get the lease permitted, begin production, and meet their ten-year production requirement.

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Key state recommendations under NEPA:

North Dakota suggests regarding leasing Federal coal and subsequent mine plan approval that BLM and OSM coordinate activities and conduct on NEPA analysis adequate from both actions. One additional improvement to NEPA was a suggestion on using a Programmatic EIS to evaluate air quality impacts (from the combustion of coal) rather than individual analyses. They felt updating a PEIS would prevent “re-inventing the wheel” and new analyses could incorporate by reference the PEIS.

Similarly, Montana suggests the in-depth NEPA work may be more appropriately undertaken during the permitting and Federal mine plan review process, rather than during the leasing stage, and that leasing reviews could then be limited to coal quality, quantity, and economics.

Oklahoma recommended that OSM coordinate better with the BLM and Forest Service during their lengthy NEPA process and include their analyses needs within the NEPA prepared for coal leasing.

Utah discussed that OSMRE had been requiring supplemental NEPA to cover issues they felt were missing from recent coal leasing decisions made by the BLM and Forest service., Utah suggested a more efficient process would be if OSMRE coordinated better with the BLM and Forest Service during their lengthy coal leasing NEPA process and include their analyses needs within the same document.

Wyoming provided a number of recommendations, such as DOI should seek to combine concurrent processes with other state and Federal regulatory agencies, designating BLM as the lead agency to manage coal reviews. They suggested the lead agency develop meaningful and expedient timelines for the review process early in the NEPA process. They also felt the lead agency could strengthen NEPA reviews and reduce delays by involving cooperating agencies (including EPA and OSMRE) early in the process, who could aid in identifying data gaps, data interpretation, and developing alternatives and potential mitigation measures. They elaborated on the need for early and well-defined scoping and significant involvement of local and state governments to focus the environmental review and data needs (including the identification of existing studies and data resources) on issues relevant to a meaningful decision. They also suggested that in order to focus resources, the agencies’ preferred alternative be identified as early in the process as possible.

Once again, consistent with the recommendations of the states, this report addresses strengthening the NEPA process by coordinating early on with cooperating agencies such as the Forest Service (see Issue 2-9) and suggests several actions that could be implemented to address untimely processing and permitting as a result of separate BLM and OSMRE NEPA processes (Issue 3-3). The report also considers lack of large scale data to conduct cumulative impact analyses (Issue 3-3) and further considers actions to be taken to stream line air quality modeling (Issues 1-4 and 1-14).

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Section 4: Fair Market Value

The FCLAA requires that the Secretary must not accept a bid that is less than the FMV of the coal within the prospective lease. Consistent with appraisal standards, FMV is defined in regulation (43 CFR 3400.0-5(n)) as:

.... that amount in cash, or on terms reasonably equivalent to cash, for which in all probability the coal deposit would be sold or leased by a knowledgeable owner willing but not obligated to sell or lease to a knowledgeable purchaser who desires but is not obligated to buy or lease.

The determination of the FMV begins with a pre-sale estimate of value for prospective Federal coal properties, which is an integral part of the leasing process. The pre-sale estimate of value includes geologic, engineering, economic, and evaluation analyses that combine to document and establish a pre-sale estimate of value. During a lease sale, interested bidders submit a sealed bonus bid for the prospective coal lease. Bids received from qualified bidders are compared to the BLM's pre-sale estimate of value. Effectively, because the pre-sale estimate value is held confidential it serves as the competition where there is only one interested bidder, and bids less than the pre-sale estimate are rejected by BLM. The fair market value of an offered Federal coal lease is the amount BLM accepts as the value of the lease. The FMV process occurs parallel to the NEPA process though is usually not finalized until after a NEPA decision is issued. Identifying opportunities to increase efficiency in determining FMV and reduce the time required completing the FMV process, could help to streamline the overall leasing process.

Issue 4-1: Determining FMV for small leases, lease modifications, or low value coal tracts does not warrant full analysis.

Determining FMV can be a complex process that is labor and cost intensive. Small LBAs, lease modifications, or low value tracts may warrant more efficient or alternative methods to a complete FMV estimate, especially where the cost of preparing the estimate can be more than BLM would receive from the bonus bid. This would be similar to established methods for valuing small tract rights-of-way under FLPMA. For example, the North Dakota Lignite fields contain low value Federal coal where no lease has ever been issued (Federal, state, or private) for more than the regulatory minimum bonus bids of \$100/acre.

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Issue 4-2: There needs to be the development of a national BLM FMV team to provide consistency and expediency to FMV determinations.

Field and State office personnel often have first-hand knowledge of the geology of the coal fields and mine operators, mine designs, manpower needs and equipment requirements to develop the resources, etc. They are also familiar with the Mine Safety and Health Administration (MSHA) requirements and OSMRE and State RA requirements of a SMCRA mining permit. BLM has had difficulty retaining qualified evaluation specialists, as described in the 3073 manual and handbook, necessary to ensure FMV for a new coal lease application is properly prepared. The BLM anticipates this personnel gap may continue as BLM finds it more difficult to hire and maintain qualified staff. This qualified personnel shortfall places BLM's FMV assessment capabilities at a distinct disadvantage and is adding to delays in processing lease applications and lease modification applications.

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Issue 4-3: The third party review process by OVS of BLM's FMV determination does not have the necessary guidance on standard data and methodology.

As previously noted, the OIG conducted a review of the BLM's coal leasing program and issued their findings in 2013. Of the 13 recommendations in their report, three specifically called for the BLM to work with the OVS when preparing the FMV for coal tracts. In response, BLM and OVS signed an MOU and BLM issued a new coal valuation manual and handbook detailing the roles and responsibilities of both agencies in the FMV process. OVS has thus taken on the role of an independent third-party reviewer of BLM's valuations to help ensure that BLM is producing defensible, well-documented FMVs for coal lease tracts. However, the current FMV analysis and review process is time consuming and frequently not consistent between State Offices. Considerable time is spent clarifying data and reporting to the third party reviewer, currently the OVS. This results in multiple drafts and reviews before an acceptable product is achieved and finalized.

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Issue 4-4: Adequate and consistent data is often difficult to obtain and is needed to complete pre-sale FMV determinations.

When estimating the pre-sale value for a lease application, confidential information from an applicant is essential to the estimated value being representative of the fair market value. The confidential information includes potential lease revenue, direct and indirect operating costs incurred to excavate the coal, capital considerations for existing equipment and planned equipment acquisitions, and tax burdens applicable to the lease and mining operations. This confidential information helps accurately evaluate the mining cost and revenues for a discounted cash flow model. Some applicants have been reluctant to provide this confidential information, or have been slow in providing information, which leads to delays in completion of a pre-sale FMV determination.

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Issue 4-5: Low value coal properties could be disposed of or exchanged.

The cost to BLM and an applicant seeking to lease a tract of low value Federal coal may be greater than the prospective revenues from the lease (rental, bonus, and royalty value). In such cases, it may be more efficient to dispose or exchange the Federal coal in these areas.

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Issue 4-6: The lease modification application FMV process is unnecessarily long.

Lease Modification Applications (LMAs) are statutorily limited to tracts of less than 960 acres and are by definition non-competitive sales. Current policy dictates BLM determine the FMV (as is done for LBAs, regardless of the size of the LMA) and present the applicant with the minimum acceptable FMV for the tract as an offer to accept, and be granted the acreage through lease modification, or not accept and either present the case to BLM that the FMV determination is flawed (in which case BLM would revise the FMV if convinced of the error) or have the LMA rejected.

This process must be realized even for small tracts of coal that amount to very little production (e.g., when mining indicates a sliver of coal continuing into unleased acreage for a very short distance) or even lands the applicant wishes to add to the lease that contain no recoverable coal and are only being sought for the purposes of surface use for the mining operation logistics or safety.

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Issue 4-7: The statutory definition of “contiguous” for a lease modification creates a need for new leases in certain situations.

The FCLAA amended the MLA to require that a lease modification be contiguous or cornering the lease being modified. The Energy Policy Act of 2005 modified the MLA to require the LMA be in the interest of the United States, that there are no other competitive interests in the lands and deposits, and that the lands subject to modification cannot be developed as a part of another potential or existing independent operation. The statutory definition of “contiguous” would be revised to avoid the bypass of coal resources that adjoin the mining operation, but that are not necessarily contiguous to an existing Federal coal lease (e.g., when a mine comprised of several leases of Federal and non-Federal leases encounters Federal coal that meets the criteria for modification but is only adjacent to one of the non-Federal leases).

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Key state recommendations under Fair Market Value:

Two States provided suggestions/comments on the fair market value process. North Dakota discussed the situation where BLM sells the coal at fair market value and a company subsequently requests and is granted a royalty rate reduction. They suggest the process is flawed and FMV should be determined on the true value of the coal (Issue 4-1).

Wyoming recommended that future BLM NEPA documents describe the history and rationale for the leasing structure as it is today, including the process used to determine fair market value. They also recommend maintaining the current requirement that keeps BLM's fair market value determination confidential so that base valuation remains unknown to potential bidders.

In the report, we recommended establishing a team that would review alternative ways of valuing small and low quality coal tracts such as those found in North Dakota (Issue 4-1). The discussion in the report maintains a competitive lease sale is one where the bid is evaluated

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against the unrevealed fair market value estimate (Issue 1-3).

Section 5: Program Administration

Mining of Federal coal requires the oversight of no less than three DOI agencies: BLM, OSMRE and ONRR. In addition to these DOI agencies, some Federal coal requires oversight by other DOI agencies or other Departments, in particular when the surface estate is managed by another agency (e.g., U.S. Forest Service lands) or waters of the United States are involved (U.S. Army Corps of Engineers). There are also state RAs in the states with primacy for mining plans, the Bureau of Indian Affairs for tribal coal, and a host of other agencies that could become involved in any specific leasing action as cooperators depending on the specific lease application's area.

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Issue 5-1: Implementing proposed actions in this report will require dedicated staff to supervise and coordinate and to ensure current and future workloads are managed throughout the field.

This report puts forth 42 recommendations for actions (exclusive of this recommendation) to help streamline Federal coal leasing and permitting. Implementing these actions will take dedicated BLM Washington Office coordination and oversight. Current Washington Office coal program leads will continue to be utilized for program administration and oversight; however, it is anticipated that implementing the recommendations in this report would take a dedicated full-time coordinator.

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Issue 5-2: BLM and OSMRE do not have the ability to recruit and retain qualified coal personnel.

BLM's coal staff has been whittled down to 71 employees nationwide to run the entire BLM Federal Coal Program, and not all are fully dedicated to coal matters. OSMRE staff has

diminished from 1200 employees in the 1990's to 450 total employees to implement the SMCRA program nationwide. In the field, skeleton crew coal staffs have been continually asked to do more with less while dealing with constant litigation and appeals, experienced coal staff leaving and retiring, and endless FOIA requests and inquiries, all in addition to their regular responsibilities.

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Issue 5-3: Inconsistent use of Electronic Files and Records causes delays in developing casefiles, processing FOIA requests, and preparing Administrative Records.

Around 2008, nongovernmental organizations and the public became more interested in the Federal coal program operations, environmental reviews, and associated documents. In particular, they have become interested in how BLM and other Federal agencies, such as OSMRE, consider greenhouse gas contributions to climate change when evaluating projects and permits. This has led to an increase of Freedom of Information Act (FOIA) requests, appeals with the IBLA and Federal court litigation. It takes an enormous amount of staff time to research and produce documents requested through FOIA and those needed to support BLM/OSM decisions in administrative records. These documents are generally required to be in an electronic format.

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Issue 5-4: The MOU between BLM and OSMRE is outdated, causing confusion with new program staff and adding to delays in processing times

In July of 1978, the directors of the BLM and OSMRE signed a MOU outlining their respective roles, responsibilities and procedures for management of Federal coal. The MOU was also signed by the director of the US Geological Survey (USGS). However, in 1982 the BLM, by Secretarial Order 3087, assumed the roles and responsibilities for onshore mineral management previously reserved to the USGS. Similarly, the Minerals Management Service (now the ONRR) assumed the responsibilities for royalty and mineral revenue management.

Most of BLM's coal regulations found at 43 CFR 3400 were promulgated on July 19, 1979, and they have been amended several times since. Although internal guidance has been issued clarifying certain roles as they relate to exploration activities, the 1979 MOU has never been revised and remains as originally written.

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Issue 5-5: The public and coal applicants do not understand the roles, processes, or timing of DOI agencies responsible for processing Federal Coal actions

Comments received during the nationwide listening sessions and BLM's Coal Program PEIS scoping period in the summers of 2015 and 2016, respectively, showed that the public generally confuses many of BLM's and OSMRE's roles. For example, commenters during the PEIS scoping expressed their disapproval of the self-bonding process for reclamation activities and asked the BLM to change this policy. They were not aware that reclamation bonds are managed by OSMRE and the primacy states, not the BLM. This is just one of many examples where the public has a fundamental misunderstanding of the roles and responsibilities of the agencies managing Federal coal activities.

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Key state recommendations under Program Administration:

North Dakota recommended the lines of jurisdiction, authority, regulatory roles, and responsibility of the various Federal agencies associated with the coal leasing and permitting process be clearly defined and understood by all participants involved. Wyoming and Montana both provided similar discussions regarding multiple DOI agencies with different obligations, statutes and mission. Wyoming asserts there is clear expansion of the NEPA process that results in considerable duplication of expenditures of state and federal resources. Wyoming further

suggests that a way to eliminate the need for multiple NEPA documents would be for OSMRE to be an early cooperator and use BLM's decision to lease be used as the starting point for initiating the NEPA document for the mine plan approval.

| This report acknowledges the confusion that exists among the public regarding the roles, responsibilities and the functions of all agencies involved in the Federal coal leasing and permitting process, and possible solutions are identified in Issues 5-4 and 5-5.

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Next Steps

(Will complete after receiving the States comments)

In this section will discuss suggested strategies/options on how to attack issues/recommendations after completion of the report.

Several options that may be offered in write up here may include:

- Tackle Highest Impact Issues First
- Tackle Shortest timeframe (to implement) Issues First
- Select Order for Implementation by Issue (showing progression)
- Group Issues in 3 Buckets and attack Administrative Actions first
 - Administrative Actions
 - Regulatory Actions
 - Legislative Actions

**Appendix 1 – BLM/OSMRE Coal Leasing and Permitting
Flowchart**

BLM and OSMRE Federal Coal Program - Internal Working Draft - Not for Circulation

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BLM and OSMRE Federal Coal Program - Internal Working Draft - Not for Circulation

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Appendix 2 – Issues List

Section 1 – Regulations, Policy and Guidance

Issue 1-1: The Federal coal leasing regulations that include Regional Leasing are outdated, which slows processing of coal actions and creates confusion for applicants and the public.

Issue 1-2: The existing protocol for Federal Register Notice publications causes significant delays to the leasing process.

Issue 1-3: The mining plan approval process may be unnecessarily protracted and duplicative.

Issue 1-4: The Air Quality Modeling in BLM’s NEPA Analysis is Costly and Time-Consuming.

Issue 1-5: Many leasing policies are not current or not easily available.

Issue 1-6: OSMRE’s lack of guidance regarding “minor” mining plan revisions adds delay and inconsistencies to processing coal actions.

Issue 1-7: Royalty rate reductions can be an extended process due to ambiguous guidance.

Issue 1-8: The BLM’s delegation of authority for coal actions has recently caused legal and administrative problems and delays.

Issue 1-9: The Analysis of Indirect Effects of Combustion Burdens the Coal Program.

Issue 1-10: Endangered Species Act Consultation Can Delay BLM Leasing Decisions.

Issue 1-11: The Freedom of Information Act (FOIA) is used as a tool to divert human resources and ultimately slow down the leasing and permitting process.

Issue 1-12: Regulations to implement the Energy Policy Act of 2005 have not been successfully promulgated, resulting in confusion by BLM staff, the public, and industry.

Issue 1-13: The public sees the competitive leasing process as non-competitive because most leases do not receive multiple bids which results in questions from investigators, Congress, the press and the public.

Issue 1-14: Delays and inconsistencies are caused because the BLM and other land management agencies do not have a Memorandum of Understanding (MOU) with EPA pertaining to air quality analysis.

Section 2 - Leasing and Permitting Strategic Topic

Issue 2-1: Offering coal tracts for lease may be delayed by operators' business considerations, thereby precluding potential competing interests from developing the resource.

Issue 2-2: Industry submits incomplete or inadequate applications/data causing processing delays.

Issue 2-3: Current regulatory regime does not allow for Research and Development projects.

Issue 2-4: Difficulties in obtaining qualified surface owner (QSO) consent causes substantial delays in application processing and uncertainty for industry.

Issue 2-5: Discrepancies in the timing of Alluvial Valley Floor (AVF) determinations cause delays in application processing.

Issue 2-6: Processing of lease modification applications and mining plan modification permit revisions may be unnecessarily segmented adding to delay in the overall process.

Issue 2-7: The initial financial burden to operators of obtaining a lease may lead to delays in development or bypass of Federal coal.

Issue 2-8: Billions of tons of Federal coal are economically difficult or unattractive to mine due to the cost of opening mines in undeveloped areas.

Issue 2-9: United States Forest Service's (USFS) policies and procedures can cause lease-processing delays.

Issue 2-10: There are inconsistencies between mining plans submitted during leasing, the SMCRA permit approved by the regulatory authority, and the R2P2 recommended for approval by the BLM.

Issue 2-11: Powder River Regional Coal Team (RCT) may serve a redundant purpose.

Section 3 - NEPA

Issue 3-1: The lack of available large-scale and cumulative data analyses slows the NEPA process for coal actions.

Issue 3-2: The inconsistent coal data availability across states and agencies weakens the analysis of coal actions.

Issue 3-3: Separate BLM and OSMRE NEPA processes slow coal application process.

Issue 3-4: Litigation slows down development, leasing, permitting, and mining plan decisions.

Issue 3-5: Additional Categorical Exclusions are needed for small actions.

Issue 3-6: Coal projects are understaffed and not prioritized appropriately.

Issue 3-7: Because coal leasing does not authorize surface disturbing activities, evaluate whether leases could be approved using Categorical Exclusions (CX).

Section 4 - Fair Market Value

Issue 4-1: Determining FMV for small leases, lease modifications, or low value coal tracts does not warrant full analysis.

Issue 4-2: There needs to be the development of a national BLM FMV team to provide consistency and expediency to FMV determinations.

Issue 4-3: The third party review process by OVS of BLM's FMV determination does not have necessary guidance on standard data and methodology.

Issue 4-4: Adequate and consistent data is often difficult to obtain and is needed to complete pre-sale FMV determinations.

Issue 4-5: Low value coal properties could be disposed of or exchanged.

Issue 4-6: The lease modification application FMV process is unnecessarily long.

Issue 4-7: The statutory definition of "contiguous" for a lease modification creates a need for new leases in certain situations

Section 5 - Program Administration

Issue 5-1: Implementing proposed actions in this report will require dedicated staff to supervise, coordinate, and ensure current and future workloads are managed throughout the field.

Issue 5-2: BLM and OSMRE do not have the ability to recruit and retain qualified coal personnel.

Issue 5-3: Inconsistent use of Electronic Files and Records causes delays in developing casefiles, processing FOIA requests, and preparing Administrative Records.

Issue 5-4: The MOU between BLM and OSMRE is outdated causing confusion with new program staff and adding to delays in processing times.

Issue 5-5: The public and coal applicants do not understand the roles, process, or timing of DOI agencies responsible for processing Federal Coal actions.

Appendix 3 -- State Recommendation Letters



Indiana Department
of Natural Resources

Eric Holcomb, Governor
Cameron F. Clark, Director

14619 W. St. Rd. 48
Jasonville IN 47438 9517
June 15, 2017

Ms. Katharine S. MacGregor
Acting Assistant Secretary
Lands and Minerals Management
US Department of Interior
1849 C Street, N.W.
Washington DC 20240

RE: Coal Program Review

Dear Ms. MacGregor:

Thank you for the opportunity to provide the Indiana Department of Natural Resources' perspective on the coal programs under the purview of the Department of Interior. We appreciate your willingness to undertake a review of these processes and are pleased that you have solicited state comments. The Department is the agency responsible for regulating the Surface Mining Control and Reclamation Act (SMCRA) in Indiana. Indiana does not have coal mining on Federal land, therefore, our comments pertain to non-Federal mining.

At this time, the Department has a good relationship with the local US Fish and Wildlife Service (USFWS) office and issues that arise with the Endangered Species Act (ESA) are coordinated efficiently. The following comments pertain to the Office of Surface Mining (OSM) with some overlap into the Clean Water Act.

Ten Day Notice:

The Department recommends re-evaluating the use of the Ten-day Notice (TDN) process, especially with regard to citizen complaints. This process is burdensome to state programs and only serves as a way for OSM to interject itself into second-guessing state enforcement and permitting decisions. In the early days of state programs it was a useful tool, but is no longer. An example of how the TDN process is no longer effective is the current situation in Indiana where OSM issued a TDN as a result of a citizen complaint regarding Peabody Energy's bankruptcy. The original TDN was issued in February 2016 and amended in August 2016 due to an amended complaint from the citizen group. The Department responded to both TDN's in the allotted time. Although well over one year has passed since the Department's original response, OSM has yet to make a determination as to the appropriateness of the Department's actions. The TDN process was a poor choice by OSM to deal with such a large and complicated issue as a multi-state bankruptcy. The Department believes OSM and the states would be better served if OSM referred complainants to exhaust all avenues at the state level before OSM intervenes.

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June 13, 2017
Ms. Katharine S. MacGregor

Oversight:

The Department recommends a review, and refocus, of oversight activities on both Regulatory and AML programs. Oversight inspections for the past one to two years have focused on reclaimed sites and sites in Temporary Cessation of Operations (TCO) status. OSM has not made it a priority to inspect active operations. OSM routinely reviews the same criteria every year: citizen complaints, off-site impacts and reclamation success. However, they have been unwilling to look further at issues of importance to the Department.

The Department has suggested the past couple of years that OSM review Approximate Original Contour (AOC) in Indiana as it relates to stream replacement requirements from the US Army Corps of Engineers (USACE). These requirements have become a priority for mining companies. The result of stream replacement to USACE criteria is reclaimed land that is higher in elevation with steeper slopes descending to replaced waterways. Steeper slopes on reclaimed land, to accommodate a replaced stream, creates areas that most likely cannot be farmed. Indiana is an agricultural state and landowners, who are mostly farmers, want to put as much land as possible into agriculture.

The Department is also concerned that this type of reclamation, higher elevations of reclaimed land with steeper slopes descending to replaced streams, will lead to the development of hydrologic seeps that can contain highly mineralized water. The development of this situation, which will likely be irreversible, could lead to water quality issues that currently do not exist on Indiana's reclaimed coal mines. The Department recommends a review of the relationship between CWA requirements and SMCRA.

Program Amendments:

The Department recommends a review of the program amendment process. The Department's AML section has had a state plan amendment in process with OSM for over one year. As of this date the plan has yet to receive approval. This limits the Department to a 10% transfer of the AML grant into a set aside fund to address future acid mine drainage issues. The amendment to our state plan will allow 30% of the grant to go into that fund.

Training:

The TIPS and NTTP programs are important to both states and industry. A well trained work force is a value to all. OSM recently combined the steering committees of both groups into one and improvements are underway to streamline processes and reduce costs. However, additional funding should go toward upgrading TIPS and NTTP training courses. Another consideration is for OSM to provide more of their own staff as course instructors. Currently, OSM relies heavily on state instructors, placing a further strain on state staff and resources.

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June 13, 2017
Ms. Katharine S. MacGregor

Grants:

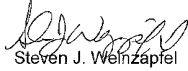
The Department recommends evaluating the grant process for both Regulatory and AML to address the necessity of continuous grant applications, estimates and close outs. We also recommend a review of the Grants section support for states. A recent audit of OSM's oversight of the Department's AML program by the Office of Inspector General resulted in OSM not standing behind grant processes employed by the Department. For many years, OSM approved these processes yet they made no attempt to clarify this fact once the draft audit report was issued.

Funding:

The Department recommends any savings from efficiencies gained by reforming OSM should be directed to assist states with programmatic improvements. Assistance for advancement of electronic permitting, database upgrades and advanced GIS mapping would be beneficial to all parties. Funding for these types of technological state program improvements should be provided as a non-match funding source.

Again, I want thank you for initiating this review and especially for seeking our input in the process. If you have any questions or need further information, please contact me at (812)665-2207 or sweinzapfel@dnr.in.gov.

Sincerely,


Steven J. Weinzapfel
Director
Division of Reclamation

SJW/tam

cc: Cameron Clark, Director, IDNR
Chris Smith, Deputy Director, IDNR
Jasonville File

MATTHEW G. BEVIN
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June 15, 2017

Katharine S. MacGregor
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Dear Ms. MacGregor, Mr. Leverette and Mr. Payne:

The Commonwealth of Kentucky appreciates the opportunity to provide information and suggestions as requested in your letter dated May 15, 2017. While Kentucky has little to offer related to the five areas of focus related to Federal coal leasing and permitting, we can provide suggestions as to how OSMRE can improve collaboration and coordination with other agencies that have a role in the mine permitting process.

Roles and Responsibilities: State Primacy and OSM Oversight

The Surface Mining Control and Reclamation Act (SMCRA) of 1977, Public Law 95-87, Part 101, Section (f) reads "[The Congress finds and declares that] because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining

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operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation operations subject to this Act should rest with the States."

To achieve primacy, a state must develop mining law as effective as SMCRA, implement regulations, and receive approval by OSMRE. Therefore, OSMRE in its oversight role, should establish cooperative and collaborative relationships with the primacy states with an emphasis on supporting the state program.

Once a state is granted primacy, the role of achieving the purposes of SMCRA lies primarily with the state. Kentucky received conditional program approval from OSMRE over 35 years ago on May 18, 1982. OSMRE's primary role when a state has primacy is to:

- Monitor the state and conduct inspections to ensure the state is implementing, administering and enforcing the approved program;
- Ensure the state maintains its capabilities to fulfill the SMCRA responsibilities;
- Assist the state in implementing these responsibilities;
- Report on the evaluation of the state program;
- Work to resolve issues with the state in a timely manner that are identified through oversight;
- Pursue corrective actions provided by SMCRA, federal rules, and OSMRE policy if states are not meeting the program requirements.

Changes on Oversight by OSM

Since 2009, the concept of state primacy has evolved with OSMRE superseding approved regulatory programs through directives and policy memoranda. The starting point for this evolution is the June 11, 2009 Memorandum of Understanding (MOU) between the Department of the Interior, EPA and the Army Corps of Engineers titled "Implementing the Interagency Action Plan on Appalachian Surface Coal Mining." This MOU sought to greatly expand federal oversight over coal mining in Appalachia without legislation. In this multi-agency Action Plan, the Department of the Interior pledged to:

1. Revise the Stream Buffer Zone Rule;
2. Revise the Approximate Original Contour requirements;
3. Promised that OSMRE would "reevaluate and determine how it will more effectively conduct oversight" of state permitting, enforcement and regulatory activities under SMCRA; and
4. Committed to "remove impediments" to OSMRE's ability to "require correction of permit defects in SMCRA primacy states."

Since execution of the MOU, the federal government has expanded its oversight of approved primacy programs and use of federal enforcement significantly as described in the below paragraphs.

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OSMRE Directive REG-8 established policies and procedures for oversight evaluations of state and tribal regulatory programs. The Directive encouraged States to assume the primary responsibility for regulating coal mining and reclamation activities (primacy). This Directive was revised in 2011 by former Director Joe Pizarchik. The revised Directive empowers Field Office Directors (FODs) in each state/tribe to "maintain independence" and encourages independent inspections by field offices, "*OSMRE will also conduct independent, unannounced oversight inspections, which will validate and enhance the credibility of both state and tribal regulatory programs and OSMRE's oversight.*" This rationale is inconsistent with state primacy. Directive Reg-8 needs to be revised to provide guidance to field office staff in the implementation of oversight activities. Kentucky recommends the formation of a committee to discuss revisions to the current Directive.

Former Director Joe Pizarchek also issued (Inspection Enforcement) INE 35 in 2011, rescinding all previous policies concerning the issuance of Ten Day Notices (TDNs). INE 35 changed the stated purpose of OSMRE policies and goals from cooperation, collaboration, and resolution to confrontation, conflict, and imposition of regulation. The policy allows/mandates OSMRE to utilize their resources to find problems that may or may not exist, and to force the state to utilize its resources to respond to issued TDNs. INE 35 states that a TDN must be issued if an OSMRE inspector perceives that a state inspector has failed to cite any violation of the state program during an OSMRE inspection. Not only does this detract from OSMRE's stated goals, it also diverts resources states could utilize to implement, administer, and enforce the approved primacy program. This current practice of OSMRE circumvents and bypasses the established procedures for resolving perceived deficiencies, and fails to resolve issues with states in a timely manner. This approach appears to be an attempt to conduct enforcement activities through policy, and to impose OSMRE's interpretation of the federal regulations on states' primacy programs (contrary to the tenants of SMCRA and federal rules).

In a July 27, 2016 Memorandum titled "A More Complete Enforcement of SMCRA and its Implementing Regulations" Director Pizarchik issued eight SMCRA enforcement directives to regional and field office directors. These enforcement directives require OSMRE to implement and enforce, pursuant to SMCRA, various provisions of the Clean Water Act (CWA) at mining sites, including compliance with CWA water quality standards. However, the U.S. EPA and in Kentucky's case, our own Division of Water, have the legal authority pursuant to the CWA to administer and enforce compliance with the CWA at mining sites. The U.S. EPA and our Cabinet have programs and experienced staff in place who are performing those tasks. Therefore, these OSMRE directives improperly infringe on the legal authority granted and reserved to the U.S. EPA and our Cabinet with respect to the CWA. This dual enforcement by OSMRE poses the risk of duplicative and inconsistent enforcement of the CWA in Kentucky and other states.

One of the enforcement directives in the July 27, 2016 Memorandum requires that a mining permit applicant that is in violation of any mining, **air** or **water** laws demonstrate that each violation has been corrected or is in the process of being corrected before a SMCRA mining permit can be issued. This same directive states that if a citizen complaint alleges that a mining permit applicant is in violation of air or water laws on any permits owned or controlled by the applicant, OSMRE will investigate and take enforcement action in cooperation with the authority

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issuing the violation to ensure that SMCRA permits are in compliance with its directive requiring compliance with air and water laws. This directive improperly extends OSMRE's authority to include enforcement of the Clean Air Act and presumably state air and water protection laws, once again infringing on the legal authority of the U.S. EPA and our Cabinet, which have direct responsibility for the enforcement of these laws.

The July 27, 2016 Memorandum has many similarities to the Stream Protection Rule (which has since been repealed by Congress) and constitutes an illegal regulation by policy of repealed regulations. On a related note, the Director of OSMRE's Lexington Field Office has confirmed to our Cabinet in 2017 that OSMRE is implementing this July 27, 2016 Memorandum in connection with inspections conducted on mining sites in Kentucky. OSMRE's imposition of these repealed enforcement directives is improper and is another example of infringement on Kentucky's SMCRA primacy and the legal authority of our Cabinet's water and air programs.

The following examples illustrate OSMRE's recent attempts to conduct enforcement activities through policy:

- From 2011-2015, all TDNs were generated from citizen complaints or requests. In 2015, only three (3) TDNs were issued. Then, in 2016, a significant increase in enforcement was observed—a total of fifteen (15) TDNs were received. Seven (7) of these TDNs (approximately 50 percent) were generated as the result of OSMRE oversight inspections. This appears to be a direct result of the July 27, 2016 memo released by OSMRE Director Pizarchik. This memo promoted enforcement of the Clean Water Act by SMCRA personnel.
- On April 19, 2017 OSMRE field personnel conducted a biological stream survey without following proper methods or protocol, attempting to establish material damage on discharges in compliance with the NPDES numeric standards. Narrative standards are established and enforced by the Kentucky Division of Water, the agency responsible for implementing the Clean Water Act in Kentucky.
- OSMRE is mandated to act on various parts of their oversight role within various timeframes. Invariably, the state is pushed to submit, respond or provide whatever is required within our timeframes; however, OSMRE routinely fails to meet their own self-imposed deadlines. These delays in turn requires resources from the state to respond in an expedited timeframe when the state finally receives a response from OSMRE.

Funding Issues

State funding from OSMRE has been reduced by \$1.7 million dollars over the last six (6) years, (\$13.3M in 2011 down to \$11.6M in 2016), which is reflected in decreased staffing levels within the Kentucky Department for Natural Resources SMCRA Title V Programs (252 in 2011 to 188 in 2016 – a 25% staff reduction). Concurrent with the reduced federal funding to the state and the significant decrease in coal production in Kentucky (106M tons in 2011 down to 42.5M tons in 2016 – a 60% decrease in production), the local OSMRE Field Office on the other hand has

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since December 2015 hired additional technical staff and the number of oversight studies has increased.

OSMRE does have a relatively comprehensive training program under the auspices of the National Technical Training Program (NTTP) and Technical Innovation and Professional Services (TIPS), and Kentucky personnel regularly participate in these training programs. Because of stated OSMRE budget concerns, class offerings have been limited and instructor recruitment curtailed. Logistics for each training session has now been outsourced which was previously conducted by OSMRE staff in Washington, D.C. In-house travel personnel interacted with the class instructors to better schedule and locate convenient accommodations with the often accompanied field component. We recommend that the NTTP and TIPS programs be reassessed with new, more relevant topics, and established courses updated. State instructors are ready to fulfill that role if asked. In addition, in light of the significant reduction in coal production and active mines, Kentucky recommends that financial resources within OSM could be shifted diverted from state implementation oversight to training efforts between states and OSMRE.

OSMRE Oversight Studies

The regional OSMRE office (Pittsburgh) selects elements of the state mining program for oversight studies. These studies are conducted by regional technical teams. Kentucky notes two concerns:

1. It is not apparent if the selected subject of the study is a valid concern because the states are not consulted during the process of selecting a subject; and,
2. Minimal interaction between the state and federal personnel exists throughout the studies.

The state has little to no input in explaining how the state is compliant with the study component selected. Though this method of oversight is convenient for OSMRE, states—even in the same region—may address the particulars of a permitting or enforcement program differently. The same yardstick cannot measure variations in the climate, topography or coalfield characteristics, as inferred by Public Law 95-87. SMCRA is rife with references to the individual and unique characteristics of each state, which is best addressed appropriately by that state's primacy program.

Oversight studies conducted by the appropriate OSMRE Field Office in conjunction with state regulatory personnel have been successful in the past. An adequately balanced team of state and OSMRE personnel selects permits that reference the topic of the study and a permit package analysis is completed. Subsequently, field visits to the same permits occur and then the findings are discussed for the final report. Kentucky believes that all oversight studies should be joint studies with both state and federal representatives having a place at the table.

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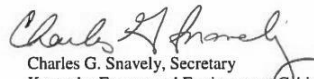
Specific Recommended Actions for OSMRE

The Kentucky Department for Natural Resources, representing the state mining regulatory authority, recommends that the Department of the Interior take the following actions:

1. The Department of the Interior should withdraw from the MOU dated June 11, 2009 and the MOU as a whole be rescinded.
2. Directive REG-8 should be revised in consultation with the states.
3. Directive INE-35 should be rescinded and the previous Directive be reinstated and implemented with state input.
4. The July 27, 2016 memo from Joseph Pizarchik, Director of OSMRE, titled "A More Complete Enforcement of SMCRA and It's Implementing Regulations" should be rescinded.
5. Direct that all OSMRE oversight studies should be joint studies with the state.

Again, thank you for inviting us to comment on the coal permitting process. If you have any questions, please do not hesitate to contact my office at charles.snively@ky.gov.

Sincerely,


Charles G. Snively, Secretary
Kentucky Energy and Environment Cabinet

6/28/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process



Fishburne, Michelle <mfishburne@osmre.gov>

Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

Fishburne, Michelle <mfishburne@osmre.gov>
Draft

Wed, Jun 28, 2017 at 10:02 AM

----- Forwarded message -----

From: Coleman, Edward <EColeman@mt.gov>

Date: Wed, Apr 19, 2017 at 2:18 PM

Subject: RE: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

To: "gowens@osmre.gov" <gowens@osmre.gov>

Cc: Greg Conrad <gconrad@imcc.isa.us>, "rellis@imcc.isa.us" <rellis@imcc.isa.us>, "Berry, David (dberry@osmre.gov)" <dberry@osmre.gov>, "Fleischman, Jeffrey" <jfleischman@osmre.gov>, "Beth Botsis (bbotsis@imcc.isa.us)" <bbotsis@imcc.isa.us>, "mcalle@osmre.gov" <mcalle@osmre.gov>, "Yde, Chris" <CYde@mt.gov>, "Lane, Jennifer" <JLane2@mt.gov>, Phillip Perlewitz <pperlew@blm.gov>, "Dorrington, Christopher" <CDorrington2@mt.gov>

Hi Glenda,

Thank you for providing this opportunity to comment and make suggestions on streamlining the current NEPA process. As I was uncertain what format to submit Montana's comments in, I have pasted them into the email below and also attached a pdf. Please let me know if you have any questions, would like additional information, or would like this information in a different format.

Streamlining the NEPA Process:

Identified below are concerns Montana DEQ, Coal and Opencut Mining Bureau, have identified with the current NEPA process as it relates to coal leasing and mine permitting. We have also identified areas for potential improvement.

Concerns with ongoing projects:

- Currently, technical specialists from multiple agencies are reviewing the same sections of an EIS and providing written comments. In the Western Energy Area F EIS, the two lead agencies (OSMRE and MT DEQ) have somewhat different requirements under NEPA and the Montana Environmental Policy Act (MEPA); therefore, some duplication of review is necessary. BLM, however, is a cooperating agency and has recently conducted in-depth reviews of the entire document after years of limited involvement; thus, unnecessary duplication and reconciliation efforts are being expended 5-years into this project.

- Example: When a hydrology section is submitted to the agencies for review, it is sent to the agency specialists. In this case, technical specialists and general reviewers from all three agencies review the same section, submit comments separately, and quite frequently the comments conflict with one another or relate more to preference of writing style than substance. Subsequently, the EIS consultant has to reconcile the comments and then come back to the agencies for resolution. This can cause significant delays if there are a lot of comments or major disagreements.

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8/28/2017

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- o Ideas for Improvement: Provide clear direction for each agency and their staff. Develop a preparation plan and MOU responsibilities that more clearly defines the roles of each agency and their level of involvement. Have management ensure that technical staff are following the preparation plan and MOU responsibilities. The project lead for each agency should also filter comments to ensure that previously addressed concerns are not revisited when someone new reviews a section of the EIS.
 - o Another area that would streamline the process is if OSMRE had clear direction on which NEPA guidance to use. Currently, the OSMRE NEPA guidance is 30 years old so OSMRE is relying on DOI and BLM NEPA guidelines. However, many of the NEPA questions OSMRE faces are specific to SMCRA and coal mining, and aren't addressed in the DOI or BLM guidance. It is our understanding that OSMRE has started the process of updating their NEPA guidance; this would definitely streamline the process.
 - o Recent litigation has changed the way OSMRE does their NEPA process. It is essential for the new guidance, mentioned above, to be updated in real time by competent people. These updates are critical so that EISs in progress are adjusted in a timely manner and legal interpretations of litigation decisions are made by solicitors and not technical staff. Decisions on what direction the NEPA document needs to go due to litigation outcomes have in the past languished and updated guidance should speed up decision-making on NEPA related issues.
 - o If localized success stories of efficiencies in the NEPA/coal regulatory process are identified through this survey, it would be beneficial to analyze whether they could be used to re-structure the process and relationships of the various agencies.
- While the purpose and need for federal coal leasing has not changed, there is a recent expectation that the coal leasing process have a more in-depth level of environmental analyses (from EA to EIS). Because the federal leasing action does not result in direct environmental damage, and environmental impacts are analyzed during the mine permit and federal mine plan review, it seems the level of analysis at the time of leasing could be streamlined.
 - o Ideas for Improvement: Could the analysis for coal leasing be limited to coal quantity and quality and economics of resource development? This would streamline the process because the environmental impacts are analyzed by the state Regulatory Authority and OSMRE during the permitting and federal mine plan development processes.
 - o How does the coal leasing process compare to the process for federal oil and gas leasing? Are there efficiencies that could be gained through review of that leasing process compared to coal leasing?
- The purpose of completing an EIS should be the generation of a document that informs the decision makers and the public about the potential environmental impacts of a proposed action and other reasonable alternatives. Currently, EIS documents are so extensive in size and analysis that they no longer meet the original purpose.
 - o Idea for Improvement: Provide clear direction on the purpose of the EIS, as well as how much analysis is needed (see previous comment on updated guidance document). Restrict the actual EIS document to a presentation and discussion of the environmental concerns/issues. If additional more in-depth analysis is needed, it could be included in supporting documents (e.g. appendices, reports, memos).

<https://mail.google.com/mail/u/0/?ui=2&ik=a024b397f5&server=IEZPUTRTxt.en.&view=pt&cat=Action%2FBLM%20Mining%20Task%20Force%2FState%20Co...> 2/4

6/28/2017 DEPARTMENT OF THE INTERIOR Mail - Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

- Delays in the federal leasing process can affect the viability of an active mine. For example, if a Lease by Modification or Lease by Application does not proceed in a timely manner, a coal company may be required to abandon mine expansion plans because the federal coal resource was not made available for lease in a timely manner. As per the Montana Strip and Underground Mine Reclamation Act, a coal mine cannot have an area in temporary cessation for more than 5 years at the time of permit renewal. Therefore, if additional coal reserves do not become available within that timeframe due to delays in leasing, the operator will be required to reclaim that particular area and may subsequently abandon the federal coal.

Thank you for your time and consideration of our comments.

Edward L. Coleman, Chief
Coal and Opencut Mining Bureau
Montana Department of Environmental Quality
(406) 444-4973; Fax (406) 444-4988

From: Beth Botsis [mailto:bbotsis@imcc.isa.us]
Sent: Tuesday, April 11, 2017 6:02 PM
To: Coleman, Edward; 'Edwards, Alan'; Wendtland, Kyle; 'Dana Dean'; johnbaza@utah.gov; Brannon, Ginny; Boulay, Mike; 'Fogels, Edmund J (DNR)'; brent.goodrum@alaska.gov
Cc: 'Greg Conrad'; 'Owens, Glenda'; rellis@imcc.isa.us
Subject: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process
Importance: High

OSMRE and BLM have formed a Coal Mining Work Group and are working together to consider ways to streamline and bring more efficiency to the federal coal regulatory process, and to identify areas of duplication that exist between the agencies in the NEPA process. Glenda Owens requested that IMCC reach out to those western states that have federal coal seeking your input. She is requesting your suggestions and comments by early next week as to how OSMRE and BLM can improve the efficiency of the federal coal regulatory/NEPA process.

I will be out on personal leave for the next several days. Please send your responses directly to Glenda at gowens@osmre.gov to assure she receives them in a timely manner. Please also copy IMCC.

Thanks,
Beth

Beth A. Botsis
Deputy Executive Director
Interstate Mining Compact Commission
445A Carlisle Drive
Herndon, VA 20170

<https://mail.google.com/mail/u/0/?ui=2&ik=a024b397f5&server=IEZPUTRTxt.en.&view=pl&cat=Action%2FBLM%20Mining%20Task%20Force%2FState%20Co...> 3/4

6/28/2017 DEPARTMENT OF THE INTERIOR Mail - Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

Ph: 703.709.8654

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—
Glenda H. Owens
Deputy Director
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—
Harry J. Payne
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Office of Surface Mining Reclamation and Enforcement
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202-208-2895

—
Michelle Fishburne
Regulatory Analyst

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6/28/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Efficiency of the NEPA Process



Fishburne, Michelle <mfishburne@osmre.gov>

Fwd: Efficiency of the NEPA ProcessFishburne, Michelle <mfishburne@osmre.gov>
Draft

Wed, Jun 28, 2017 at 1:46 PM

----- Forwarded message -----

From: Owens, Glenda <gowens@osmre.gov>
 Date: Wed, Apr 26, 2017 at 5:35 PM
 Subject: Fwd: Efficiency of the NEPA Process
 To: Harry Payne <hpayne@osmre.gov>

FYI

----- Forwarded message -----

From: Martinez, Fernando, EMNRD <fernando.martinez@state.nm.us>
 Date: Wed, Apr 26, 2017 at 4:37 PM
 Subject: Efficiency of the NEPA Process
 To: "Glenda H. Owens" <gowens@osmre.gov>, "Berry, David" <dberry@osmre.gov>

Good Afternoon Director Owens:

The New Mexico Coal Mine Reclamation Program appreciates the opportunity to make suggestions on the efficiency of the federal coal regulatory/NEPA process. Each of our actively producing mines have already been permitted for the fullest extent of expected disturbance, so NEPA was completed years ago. The San Juan Mine, Deep Lease Extension, EIS, currently underway, is our only recent experience with NEPA. This EIS seems to be a good example of a streamlined process since OSM has taken the lead and the state and other agencies are cooperating to make this process as efficient as possible.

Thanks,

Fernando

—
 Glenda H. Owens
 Deputy Director
 U.S. Department of the Interior
 Office of Surface Mining Reclamation and Enforcement

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8/28/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Efficiency of the NEPA Process

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-

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North Dakota's Comments on the Federal Coal Programs

Regulations, Policy, and Guidelines. With regard to leasing of Federal coal, the requirements are much more onerous than leasing private or state owned coal. The time that it takes to lease Federal coal has increased significantly in recent years and at times, it appeared that the BLM had little interest in issuing leases. In addition, the mining companies were uncertain if a Federal coal lease would be issued in a timely manner to accommodate their mining plan and were making plans to bypass certain Federal coal tracts.

In North Dakota, only the coal is Federally owned, the surface is privately or state owned. Payments made under some of the newer surface leases are tied to the coal production from that tract, i.e., the surface owner will receive a greater payment if the Federal coal is mined than if it were not mined. In at least one instance, the surface owner has expressed concern that if the Federal coal under his property is bypassed because a lease was not issued in a timely matter, he would receive a much smaller royalty/lease payment than if it were to be mined. Failure to issue leases in a timely manner affects the revenue of the Federal government, state government, local governments (a portion of the royalty payments made to the state are passed on to the local government), and in some instances, the surface owner.

A lot of criticism is directed at the Federal coal leasing program because of the lack of competitive bidding for Federal coal tracts. Mining companies develop their mine plans based on future reserves including Federal coal tracts. It is highly unlikely that another mining company would have any interest in or bid on Federal coal tracts within another mining company's extended mine plan primarily based on economic reasons, especially when they do not have other leasehold interests in the area.

Leasing and Permitting. BLM issues the leases for Federal coal. Once the Federal coal has been leased, OSM must issue the Mine Plan Approval before the mining of the Federal coal can take place. Leasing of the Federal coal and Mine Plan Approval have traditionally been separate actions even though much of the same information is required for both actions. Both actions are subject to NEPA analysis and both require approval by the Assistant Secretary of Land and Minerals. This results in a significant amount of duplicative efforts. Combining the Federal coal leasing and Mine Plan Approval processes into a single action would make the process more efficient while still providing the required environmental protection.

Most of the Federal coal in North Dakota is in "checker-board" pattern intermixed with private (fee) or state owned coal. Federal coal comprises less than 15% of the permitted area in North Dakota and only the coal is Federally owned as the surface is privately or state owned. In the past, mining companies would permit Federal coal tracts based on a surface lease and then apply for the Federal coal lease approximately 3 years before mining was scheduled to take place on the tract. Due diligence requirements prevent the mining companies from applying for the Federal lease more than 5 years prior to it being mined. During the past 8 years, the time required for obtaining a Federal lease and subsequent mine plan approval has increased dramatically. This has resulted in the

mining companies bypassing (or considering bypassing) certain Federal coal tracts that could not be leased (and mine plan approval obtained) in a timely manner to accommodate mining schedules. This results in operational and economic inefficiencies in the mining and reclamation process. The irony of bypassing Federal coal tracts is that it results in additional land being disturbed than would not otherwise be disturbed if the Federal coal were to be mined. Surface disturbances will be conducted over unleased Federal coal to the extent necessary to maximize the recovery of coal on the adjoining private or state owned tracts. In addition, any coal production that is forfeited as a result of being bypassed, other lands will be disturbed and mined to meet production demands. When a Federal coal tract is bypassed, the Federal coal will most likely never be mined in the future as it would not be economically feasible to go back and mine the coal from an isolated tract. As a result, the Federal government and the State of North Dakota will not receive royalty payments or tax revenues for the bypassed coal.

Under SMCRA, states may assume program primacy provided the state program is as stringent and effective as SMCRA. North Dakota assumed primacy of SMCRA in 1980 and we have been the regulatory authority for surface coal mining in North Dakota since that time. However, we only have true primacy for the private and state owned lands because the mining of Federal coal is subject to OSM approval over and above our approval (i.e., mining of Federal coal cannot take place until mine plan approval is granted by OSM). The environmental protection standards for the Federal coal tracts are no different from those for privately or state owned surface or coal tracts. Simply put, another level of approvals is needed when Federal coal is involved, therefore the state does not truly have primacy for Federal coal tracts. If our program standards are adequate for all privately and state owned tracts, one could assume that it would also be adequate for all Federal coal tracts as well.

National Environmental Policy Act (NEPA). With regard to leasing Federal coal and subsequent mine plan approval, BLM and OSM should coordinate activities and conduct one NEPA analysis that would be adequate for both actions. In the past, a significant amount of effort was expended on preparing separate NEPA analyses for the leasing and MPA actions. The items of concern for both NEPA analyses are nearly identical so combining these into a single analysis would streamline the process and still provide the required environmental analysis.

BLM and OSM have indicated that the "shelf life" of an EIS is 5 years and will be required to be updated every five years. While updating the EIS to identify new T&E species or other new items of concern is appropriate, but requiring a whole new analysis is not appropriate. This approach will make the NEPA analysis a moving target. Once the mining has begun on a Federal coal tract, further NEPA analysis including updates should terminate. The decision to lease and approve the mine plan was based on the best available information at the time the NEPA analysis was conducted. Once mining has begun on the Federal coal tract, it may be too late to evaluate and address any new concerns identified in an updated or modified EIS.

Including an evaluation of the air quality impacts (from the combustion of the coal) appears to be a requirement of every coal related NEPA analysis conducted in recent years. This seems to be best addressed in a Programmatic Environmental Impact

Statement (PEIS) rather than in the individual NEPA analysis conducted for each Federal coal lease and mine plan approval. Updating the PEIS to address air quality impacts associated with the combustion of coal may prevent “re-inventing the wheel” in every NEPA analysis as is typically done now. The PEIS could be incorporated into the NEPA analysis by reference.

Fair Market Value (FMV). In North Dakota, BLM determines the FMV of the leased coal, and then the mining company requests a royalty reduction to account for the true value of the lignite (discounted to account for the lower value of lignite coal). The process seems flawed in that the FMV is not initially determined on the true value of the coal.

Program Administration. Many Federal agencies and programs become involved in leasing and permitting of Federal coal (and non-Federal coal as well). In recent years, we have seen some of these agencies try to exert their jurisdiction to the non-Federal coal tracts as well. In one instance, a BLM archeologist called into question the cultural resource survey that was completed for the non-Federal coal tracts. Clearly, their jurisdiction was restricted to the Federal coal tracts that were being considered for leasing.

The lines of authority and responsibility of the various Federal agencies need to be clearly drawn and understood by all participants in the leasing and MPA processes. Regulatory roles and jurisdiction of the various agencies need to be clearly delineated and understood. Currently there is too much second-guessing and blurred lines of jurisdiction in this regard.

From: lanny.erdos@dnr.state.oh.us <lanny.erdos@dnr.state.oh.us>
 Date: Tue, Jun 6, 2017 at 9:02 AM
 Subject: Ohio Comments Federal Coal Leasing/Permitting non-federal lands
 To: Harry Payne <hpayne@osmre.gov>, "Mitchell Leverette" (mleveret@blm.gov) <mleveret@blm.gov>

Harry/Mitchell:

Please find Ohio's comments relative to the above. Ohio appreciates the opportunity to provide feedback/comment.

Again, thank you for the opportunity to comment on the internal review of coal programs regulated by the Bureau of Land Management (BLM) and the Office of Surface Mining (OSM).

Ohio has limited experience with permitting of federal lands, but has issued several exploration permits for the Wayne National Forest, and has reviewed and issued underground mining permits also in the Wayne National Forest. The underground permits were issued conditionally requiring the company to obtain right of entry from the BLM before any mining could take place on those lands. The company started the leasing process in 2011 and they are hoping that they are close to completing a lease with BLM, but it has *not yet materialized*. The company indicated that they are having a difficult time obtaining the leases because the process of leasing is very difficult, complex and lengthy. They have already been forced to mine around federal coal reserves, which may now be a lost opportunity as the coal will be difficult (if not impossible) to mine in the future. Developing streamlined leasing and permitting systems would be beneficial in these situations.

States with primacy programs have become very efficient at working through the SMCRA permitting process and coordinating with agencies to complete permit reviews. The state programs coordinate with the USFWS, State Historic Preservation Office, OEPA/USEPA, USACOE, OSM and many state and local agencies to ensure all laws and regulations are addressed in mining permits. A recommendation would be to designate a primary agency to coordinate permit reviews and to develop agreements between agencies to make sure the process progresses efficiently. Maintaining the permitting coordination and processing at the state level is important to ensure efficiencies.

One of the more effective and common sense methods of improving the permitting process is to set time limits for agency reviews of applications. Experience shows that in cases where several agencies with many different workloads and objectives are trying to work together has proven that it's very difficult to have permit reviews completed timely. Building timeframes into agency MOUs or agreements can be beneficial for keeping the applications on track. Timelines should be spelled out in the regulations, guidelines or agreements between agencies.

Joint meetings can be an effective tool to accomplish goals and keep the permitting process on track. Many agencies are not completely familiar with the mining process making it difficult for them to make meaningful and relevant comments; however, joint meetings among agencies ensures a transfer of knowledge relative to the application; and further ensures that all agencies become familiar with other agency programs, allowing the process to run more efficiently. Ohio

has found that perceived roadblocks can be removed through agencies learning more about the mining process, potential impacts, and methods to minimize impacts.

Ohio currently has a good working relationship with the USFWS and is operating under an MOU developed in consultation with OSM and FWS. Ohio's current MOU allows for permit issuance with a condition for not affecting designated areas within the permit if resolution on protection measures has not been achieved. Recently, an expansion of areas involving T & E species was not received until well after the areas (counties/townships) where certain species or their habitat might be present had been expanded. States should receive notification from USFWS when adding or proposing to add a species to the T & E list, or expanding/adding areas. In addition, USFWS should be encouraged to begin the process of developing consistent site-specific protective measures as soon as possible after a species is proposed and prior to becoming listed.

The USFWS/OSM MOU signed in December 2016 addressing implementation of the 2016 programmatic Biological Opinion is being revised. OSM is reinitiating formal programmatic consultation with the USFWS to obtain a new programmatic biological opinion based on the existing regulatory program. It is recommended that states/tribes be included in this consultation and development process of a new MOU between the agencies.

Clean Water Act provisions clearly make allowances for offsite mitigation of streams and wetlands, in-lieu fee programs, banking, and other measures that promote and create opportunities for mitigation other than on-site restoration of streams and wetlands that may be impacted by mining operations. SMCRA requires coordination with CWA agencies and compliance with CWA provisions on coal mining applications but does not contain these same allowances or options. Agency coordination is recommended.

Additionally, relative to the CWA, one specific item that has caused delay is the five-year expiration date of the jurisdictional determination from where the 404 permitting decisions are made. Given the multi-year planning and development that any business must pursue, a 10-year timeframe for re-evaluation of on-site federal waters would be more practical, perhaps not even necessary in some parts of the country that experience less development.

Many coal operators comment that obtaining 404/401 permits are their biggest hurdles in the coal permitting process. Nationwide (NW) 404 and regional permits can be very effective methods in reducing permitting time and efforts of agencies. When mining projects fit within the parameters of the NW permit the permitting process can progress more quickly. One issue is that at times the restrictions applied to the NW permits are very limited making them of little use for mining. The impacts of mining are well documented and understood, so a useful NW permit or a regional permit for mining should be something that can be worked out between the agencies. The DOI should work with USEPA and the USFWS to streamline the permitting process through joint agreements and workable permits.

Remining is a good example of agencies working together to accomplish shared goals. The Ohio remining program is the result of a workgroup consisting of ODNR, OSM, Ohio EPA, USACOE (Corps) and industry, formed to discuss and work out policies and procedures that satisfy agency objectives. Ohio has many pre-SMCRA sites that need reclaimed and the most cost effective and efficient way to accomplish the reclamation is through remining. Remining consists of

permitting, mining and reclaiming legacy mining sites consisting of old spoils, pits and highwalls while at the same time remediating many environmental and land use problems. Along with numerous incentives built into the regulations and policies, the Corps can issue a Nationwide Remining Permit to cover the affectment of waters of the US in these areas. The NW permit is an excellent incentive for remining. The Division also worked with the OEPA to develop NPDES permits with remining modified effluent limits and best management practices policies which also incentivize remining. Thousands of acres of previously un-reclaimed spoils and highwalls are now being reclaimed through these joint efforts.

Additionally, from a broader perspective, dual or triple regulation reduces accountability to the public and regulated community. Layers of permitting actions make the process *less* transparent. Agency and program consolidation should strongly be examined in order to clarify permitting responsibilities.

Thank you again for this opportunity to comment. Ohio looks forward to working with our federal partners. Please feel free to contact me with any questions or concerns.

Lanny E. Erdos - Chief
ODNR, Division of Mineral Resources Management

Email correspondence to and from the sender may be subject to Ohio's Public Records Law and may be disclosed to third parties.

MARY ANN PRITCHARD
DIRECTOR



MARY FALLIN
GOVERNOR

June 15, 2017

Katharine S. MacGregor, Acting Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior
Washington, D.C. 20240

Re: Request for comments on the review of federal coal leasing by BLM and the regulation of surface coal mining operations by OSM

Dear Ms. MacGregor:

The Oklahoma Department of Mines (ODM) has a historically good working relationship with the Bureau of Land Management (BLM). BLM officials in Oklahoma have been professional and good partners for our coal industry. During the Obama Administration, delays in the permitting and review process and a moratorium on new coal leasing while battles over coal royalties raged were discouraging. Anything that can be done to bring "certainty" and shorten the timeframe from the date of permit application to the date of permit decision would be of great value. As far as suggestions for improving the BLM leasing process, ODM believes that there might be areas within the NEPA process that could be streamlined, with less duplication between BLM's and OSM's Environmental Assessment (EA).

During the past decade, the Office of Surface Mining (OSM) has attempted "enhanced" enforcement, causing duplication of inspection and enforcement efforts, confusion, and animosity between OSM and ODM. ODM would recommend that OSM respect state primacy and concentrate on a technical support and advisory role on program issues. Improved federal funding of OSM's TIPs program and technical training workshops would be of great help.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Pritchard".

Mary Ann Pritchard
Director



June 12, 2017

Katharine S. MacGregor
Acting Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior
Washington, DC 20240

Dear Ms. MacGregor:

Pennsylvania's Mine Regulatory and Abandoned Mine Land Programs offer the following comments in response to your May 15 request for input regarding interactions with the Bureau of Land Management and the Office of Surface Mining Reclamation and Enforcement (OSMRE). The following comments are limited to OSMRE since the Commonwealth does not have any federal coal, and therefore has limited interaction with the Bureau of Land Management.

The comments below are separated into two categories. The first items represent areas where OSMRE should reduce their focus and resources. The second set of items are areas where increased focus and resources are recommended:

Less Focus Warranted

Topic-Specific Oversight Studies: This is a resource-intensive oversight activity that can be useful when properly focused and deployed. However, numerous contemporaneous and/or overlapping studies often run for years. These studies should be consolidated into regional or multi-state projects when practicable and limited in number in order to efficiently use limited state staff. *(See recommendations in the 2014 report of the Program Efficiency Work Group, which was part of the SMCRA Government Efficiencies Project)*

Independent Inspections: In 2011, OSMRE revised Directive REG-8 to include a requirement that 10% of oversight inspections be conducted as independent, unannounced inspections. The implementation of this new independent inspection process, particularly the short-term notification protocol, has limited state participation in these inspections. Independent inspections conducted without state participation results in increased Ten-Day Notices, which promotes inefficiency. *(See recommendations in the 2014 report of the Program Efficiency Work Group, which was part of the SMCRA Government Efficiencies Project)*

Ten-Day Notices (TDNs): State investigations of citizens' complaints are often overlain by OSMRE TDNs. In some cases, an identical complaint is also filed with OSMRE, resulting in even more redundancy and un-necessary parallel investigations. OSMRE should regularly engage with state regulators before issuing TDNs. This will help avoid issuance of TDNs in cases where OSMRE could respond that there is an ongoing state investigation.

Office of Active and Abandoned Mine Operations
Rachel Carson State Office Building | P.O. Box 2063 | Harrisburg, PA 17105-2063 | 717.783.9958 | www.dep.pa.gov

Ms. Katharine MacGregor

-2-

June 12, 2017

(See recommendations in the 2014 report of the Program Efficiency Work Group, which was part of the SMCRA Government Efficiencies Project)

More Focus Warranted

Timely Processing of Program/Plan Amendments: Multiple Title V and AML Emergency Program Amendments have been in the queue for years and OSMRE indicates it will be years until they are finally processed. Processing program and reclamation plan amendments is one of the primary purposes of SMCRA and should be a priority. OSMRE resources should be dedicated to ensure the timely processing of these amendments. *(See recommendations in the 2014 report of the Program Efficiency Work Group, which was part of the SMCRA Government Efficiencies Project).* Pennsylvania's outstanding Title V and Title IV program amendments are listed below. Several date back to 2010.

Title V program amendments are as follows:

- Regulation changes correcting 13 Required Program amendments (Submitted March 17, 2010, Federal Register Notice August 4, 2010)
- Correction for Program Amendment 938.16(uuu) (Submitted August 6, 2010, Federal Register Notice March 9, 2011)
- Ownership and Control rules (Submitted September 15, 2010, Federal Register Notice April 4, 2011)
- Alternate effluent limits for passive treatment (87.102(e)) (Submitted October 1, 2010, Federal Register Notice March 25, 2011)
- Coal Ash regulations (Chapter 290) (Submitted March 13, 2012, Federal Register Notice July 11, 2012)
- ABS Program Management (Submitted November 14, 2016, Federal Register Notice March 10, 2017)

Title IV program amendment is as follows:

- Pennsylvania Abandoned Mine Reclamation Plan, Amendment No. 3, The Pennsylvania Emergency Response Reclamation Program (Emergency Program), (Submitted November 22, 2016, Federal Register Notice Pending)

Administrative Record files: Currently, both OSMRE and states maintain SMCRA Administrative Record files. Efficiencies could be gained by having one central electronic Administrative Record file maintained by OSMRE and accessible to the states.

Timely Announcement and Processing of AML Grant Distributions: Since prior year fees are due by October 31 of each year, the announcement of the AML Grant Distributions should not take until January or later of the following year. OSMRE should focus on timely grant distribution announcements to avoid delays in planning AML projects.

Ms. Katharine MacGregor

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June 12, 2017

More and Better Coordination/Communication with States/Tribes: Recent updates to the Federal Assistance Manual (FAM) and several OSMRE Directives (AML-1 and AML-22) were completed with no review or comment by the states and tribes. In other cases, comments were solicited, but were ignored and were not acknowledged. Also, OSMRE has various guidance documents out as final that were issued without notifying the states and tribes. States often discover these documents were issued by stumbling across them on OSMRE's website or when an OSMRE employee references the documents during oversight.

Commit Resources to Updating and Improving AMLIS and Clearly Communicate the Accuracy and Limitations of the Data Stored in AMLIS: Data from AMLIS is routinely accessed by the public, the media, and OSMRE which is then used to portray the accomplishments and effectiveness of AML Programs across the country inaccurately. OSMRE has not done a good job of clearly indicating what information is tracked in AMLIS and what is not.

Defend AML and Regulatory Programs for Implementing Their Programs in Accordance with SMCRA: The media, politicians, representatives of NGOs, and the general public have often criticized AML and regulatory programs for doing things they perceive as inappropriate. These critiques are often based on mis-information. OSMRE has often chosen to remain silent under these circumstances. OSMRE should be an advocate for the work conducted under SMCRA and needs to support and provide accurate information about state and tribal AML and regulatory programs, which are carrying out those programs in full compliance with the Act's provisions.

OSMRE Should Focus Staff and Resources on Collaboration and Technical Assistance Rather than Pure Oversight: Instead of a focus on top-down "enforcement" of the AML and regulatory programs, OSMRE should shift its resources to assisting states and tribes in implementing effective AML and regulatory programs. OSMRE staff could better be utilized for technical assistance to states/tribes rather than meaningless oversight reports that do not provide any significant benefit or improvements to the state/tribal programs. Technical assistance priorities should be driven by state needs and assistance should be structured and implemented to provide timely support. *(See recommendations in the 2014 report of the Program Efficiency Work Group, which was part of the SMCRA Government Efficiencies Project)*

Several of our comments include a reference to the 2014 Government Efficiencies Project, which was a collaborative effort between OSMRE and the states/tribes to identify SMCRA-related activities that can be managed more effectively. The Program Efficiency Work Group report, which was part of that effort, provides additional, useful recommendations regarding many of the issues highlighted above.

Thank you for this opportunity to provide input. We are encouraged by the Department of the Interior's outreach on this subject and look forward to working with you to improve federal/state coordination.

Ms. Katharine MacGregor

-4-

June 12, 2017

If you have any questions, please feel free to contact me by email at jstefanko@pa.gov or by telephone at 717.783.9958.

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Stefanko', with a long horizontal flourish extending to the right.

John A. Stefanko
Deputy Secretary
Active and Abandoned Mine Operations



GARY R. HERBERT
Governor
SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Mitchell Leverette
mleveret@blm.gov

Harry Payne
hpayne@osmre.gov

Dear Mr. Leverette and Mr. Payne:

As part of your review of the Department of Interior Coal Programs and interaction between the BLM and OSMRE we would like to see OSM more involved in the leasing NEPA. In the past few years, the OSM Western Region has been requiring supplemental EAs to cover issues they felt were missing from brand new NEPA decisions made by the BLM and Forest Service in the State of Utah. I would suggest that OSM coordinate better with the BLM and Forest Service during their lengthy NEPA process and get any additional analyses included as part of the leasing NEPA. To wait until we have a complete permit and do a supplemental EA is not efficient in the least; it is taking up to 10 years to get NEPA done for a lease, and then the entire process begins again when a complete permit is forwarded to OSM. We don't think it would be wise to ignore the issues that are in the supplemental EAs, just more efficient to address them during the leasing NEPA process. The Denver Office has been doing a good job of processing supplemental EAs in a timely manner, but the entire time frame can be avoided by including the issues in the original NEPA.

We would also like to point out that at times it seems we are duplicating efforts between the State and Federal government. This is particularly true when dealing with effects of mining on Federal surface. Often there are conflicting technical opinions on such things as seed mixes, reference areas, and mitigation requirements for wildlife or subsidence impacts or standards for reclamation success. Many times during our agency consultations we are asked to include special permit stipulations that have previously been identified as lease stipulations. Other times a permit stipulation may be required, even though the issue has been addressed in the mine plan. This seems to be redundant and unnecessary.

We have a cooperative agreement signed by the Governor of Utah and the Secretary of Interior which states at 30 CFR 944.30 (1)(b): The purposes of this Agreement are to (a) foster Federal-State cooperation in the regulation of surface coal mining and reclamation operations and activities and coal exploration operations not subject to 43 CFR part 3480; (b) minimize intergovernmental overlap and duplication; and (c) provide uniform and effective application of the Program on all lands in Utah in accordance with SMCRA, the Program, and this Agreement.

1594 West North Temple, Suite 1210, Salt Lake City, UT 84116
PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-3340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov



Page 2

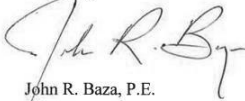
June 15, 2017

Subject: Coal Files Letter

The State needs to be trusted to do its job. With good coordination and communication, most of the duplicative efforts can be avoided. It should also be noted that OSM should not be relying on federal guidelines in oversight with the states. Guidelines are not rules, and only rules and statutes hold up under legal review.

The Division of Oil, Gas and Mining appreciates the opportunity to comment. If you have questions or need further information, please contact Dana Dean at 801.538.5320 or danadean@utah.gov or Daron Haddock at 801.538.5325 or daronhaddock@utah.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "John R. Baza".

John R. Baza, P.E.
Director

6/28/2017

DEPARTMENT OF THE INTERIOR Mail - Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process



Fishburne, Michelle <mfishburne@osmre.gov>

Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

Fishburne, Michelle <mfishburne@osmre.gov>
Draft

Wed, Jun 28, 2017 at 10:11 AM

----- Forwarded message -----

From: Dana Dean <danadean@utah.gov>

Date: Fri, Apr 14, 2017 at 2:00 PM

Subject: Re: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

To: "Owens, Glenda" <gowens@osmre.gov>

Cc: John Baza <johnbaza@utah.gov>, Greg Conrad <gconrad@imcc.isa.us>, Ryan Ellis <rellis@imcc.isa.us>, Beth Botsis <bbotsis@imcc.isa.us>, Daron Haddock <daronhaddock@utah.gov>, Steve Alder <stevealder@utah.gov>

Hi Glenda,

We received this request Wednesday and understand you need a quick response. Without a lot of time, we can't be too detailed, but I did have some thoughts.

In the past few years the OSM Western Region has been requiring supplemental EAs to cover issues that they felt were missing from brand new NEPA decisions made by the BLM and Forest Service in the State of Utah. I would suggest that OSM coordinate better with the BLM and Forest during their lengthy NEPA process and get any additional analyses included as part of the leasing NEPA. To wait until we have a complete permit and do a supplemental EA is not efficient in the least, it is taking up to 10 years to get NEPA done for a lease, and then the entire process begins again when a complete permit is forwarded to OSM. We don't think it would be wise to ignore the issues that are in the supplemental EAs, just more efficient to address them during the leasing NEPA process.

The Denver Office has been doing a good job of doing the supplemental EAs in a timely manner, but that entire time frame could be avoided by including the issues in the original NEPA.

Thank you,
Dana

Dana Dean, P.E.
Associate Director - Mining
Utah Division of Oil, Gas and Mining

ogm.utah.gov

Like us on Facebook! <https://www.facebook.com/utahoilgasandmining>

On Tue, Apr 11, 2017 at 6:01 PM, Beth Botsis <bbotsis@imcc.isa.us> wrote:

OSMRE and BLM have formed a Coal Mining Work Group and are working together to consider ways to streamline and bring more efficiency to the federal coal regulatory process, and to identify areas of duplication that exist between the agencies in the NEPA process. Glenda Owens requested that IMCC reach out to those western states that have federal coal seeking your input. She is requesting your suggestions and comments by early next week as to how OSMRE and BLM can improve the efficiency of the federal coal regulatory/NEPA process.

I will be out on personal leave for the next several days. Please send your responses directly to Glenda at gowens@osmre.gov to assure she receives them in a timely manner. Please also copy IMCC.

<https://mail.google.com/mail/u/0/?ui=2&ik=a024b39756&view=IEZPUTRTb1.en.&view=pl&cat=Action%2FBLM%20Mining%20Task%20Force%2FState%20Co...> 1/2

8/28/2017 DEPARTMENT OF THE INTERIOR Mail - Fwd: Time-Sensitive Response Requested to OSMRE re. Efficiency of the NEPA Process

Thanks,
Beth

Beth A. Botsis
Deputy Executive Director
Interstate Mining Compact Commission
445A Carlisle Drive
Herndon, VA 20170
Ph: 703.709.8654
Fax: 703.709.8655
Email: bbotsis@imcc.isa.us
Website: www.imcc.isa.us



—
Glenda H. Owens
Deputy Director
U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
(O) 202-208-4006
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gowens@osmre.gov

—
<https://mail.google.com/mail/u/0/?ui=2&ik=a024b3975&jsver=IEZPUTRTI&on.&view=p&cat=Action%2FBLM%20Mining%20Task%20Force%2FState%20Co...> 2/2



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th St, SE
Charleston, WV 25304
304-926-0490

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
dep.wv.gov

June 15, 2017

Mitchell Leverette
Chief, Solid Minerals Division
Bureau of Land Management
United States Department of the Interior
1849 C Street, WO 320
Washington, DC 20240

Harry Payne
Chief, Division of Regulatory Support
Office of Surface Mining, Reclamation and Enforcement
United States Department of the Interior
1951 Constitution Avenue, NW - Mail Stop 203
Washington, DC 20240

Re: May 15, 2017 Letter of Acting Assistant Secretary Katherine MacGregor

Dear Mr. Leverette and Mr. Payne:

I am writing in response to Acting Assistant Secretary Katherine MacGregor's May 15, 2017 letter to me. In her letter, Acting Assistant Secretary MacGregor requested suggestions for improving the efficiency of Interior Department programs for leasing and permitting both federal and non-federal coal mining. The letter lists five focus areas identified for improved efficiency by Interior Department agencies. It also states that the regulatory process under the Surface Mining Control and Reclamation Act (SMCRA), the Clean Water Act (CWA) and the Endangered Species Act (ESA) is being evaluated for all coal mining activities.

The great majority of the coal mined in West Virginia comes from non-federal lands. The state has a small amount of federal coal within its borders. We offer the following suggestions for improving the efficiency of coal mine permitting:

Recognize and Respect the Expertise of the State Regulatory Programs. Less than 1% of America's coal production comes from states in which Office of Surface Mining (OSM) is the primary regulator. This has been the case since most states gained primacy under SMCRA in the early 1980's. The states, not OSM, have the experience and expertise in carrying out complex regulatory programs. Our state operates one of the best, if not the best, regulatory programs in the country. Privately, our federal counterparts will recognize this. Oversight should be refocused to concentrate on making already excellent state programs more efficient

Promoting a healthy environment.

and productive, not more bureaucratic. OSM's continual search for fixes for things that are not broken is unproductive.

Stay Within the Bounds Congress Established. Congress put the states and EPA, not OSM, in charge of permitting and enforcement under the CWA. Out of the volume of the Code of Federal Regulations that the OSM regulations occupy, only one sentence, which is repeated in two places, deals with CWA effluent limitations. Yet, based on these two regulations, a predominant focus of OSM over the last few years has been interference with the state regulators to whom Congress gave the responsibility for carrying out the CWA. OSM bureaucrats who have limited, if any, exposure to the CWA are second guessing the considered judgment of state regulators whose expertise has been gained over a career. OSM needs to return to its core mission and respect the CWA authority Congress vested in state regulators and EPA. The OSM Director's Memorandum of July 24, 2016 endorsing and expanding OSM's interference with the states' CWA authority violates § 702 of SMCRA in many ways and should be rescinded.

Respect the Limits of Oversight Authority. Congress gave states "exclusive" regulatory authority with limited federal oversight. Direct federal action in a primacy state is authorized only in the case of a condition caused by a surface mining operation that constitutes an "imminent harm" or where the state regulatory authority fails to take appropriate action within ten days of notice (a "ten-day notice" or "TDN") from OSM of a suspected violation. In this latter circumstance, OSM is empowered to act only after it has conducted its own on-the-ground inspection of the suspected violation. OSM's expansion of the TDN process beyond on-the-ground violations to apply to alleged mistakes made in state permits exceeds its authority under SMCRA. Many of these alleged defects are nothing more than differences of opinion between state professionals who have spent months reviewing permit information and federal regulators who have not. OSM's use of TDN's in this way results in an unwieldy and burdensome flow of paper between OSM and state regulators. This is the source of much inefficiency. It requires much time and effort that could otherwise be used productively in permitting. The use of TDN's for so-called permit defects is unlawful and should be halted. OSM's routine oversight authority is the lawful way for it to conduct oversight of state permits.

Respect State Sovereignty and Process State Program Amendments. States must be allowed to seek efficiencies through modifications to their state programs. Two factors have combined to effectively bar states from doing this. First, OSM regulations prohibit a change in the law making up the state regulatory program from taking effect until after OSM has approved the change. Second, OSM put a virtual halt to the state program amendment approval process - it has been more than eight years since West Virginia received final OSM approval of a state program amendment. Every program amendment is the result of the most fundamental of all incidents of state sovereignty. Each of them, whether it be a change in statute or state regulation, is adopted through passage of a bill by our legislature that is signed into state law by our governor. Denial of effectiveness to state enactments through federal bureaucratic inaction raises serious constitutional issues. OSM must remove this obstacle to the ability of the states to achieve efficiencies. It must make approval of state program amendments one of its highest priorities.

Make the Process for Resolution of Endangered Species Act Concerns Work. West Virginia experiences significant delays in permitting due to the unwillingness of the United

States Fish and Wildlife Service (USF&WS) to agree upon clear, consistent and reasonable measures for protection of endangered species. There should not be a moving target for state agencies and industry. Among other things, the USF&WS has developed an expectation that adequate protective measures, alone, are not enough and enhancement measures for endangered species must always be required. Some of the measures the USF&WS has demanded may actually be harmful to endangered species, e.g., a demand that permit applicants actually capture endangered bats and implant tracking devices in them for USF&WS's use. Because the USF&WS has come to expect such quid pro quos, any consultation with USF&WS is difficult to conclude. This time-consuming process significantly delays issuance of permits that could provide needed jobs for our citizens.

West Virginia has a full member of the Interstate Mining Compact Commission (IMCC) nearly since its inception. We endorse any suggestions the IMCC may have for improvement of permitting efficiency that do not conflict with what we have set forth above.

If you have any questions or would like to discuss any of these suggestions further, please contact me at (304) 926-0490.

Sincerely,



Harold D. Ward

Cc Katherine MacGregor, Acting Assistant Secretary, Department of the Interior
Gregory E. Conrad, Executive Director, Interstate Mining Compact Commission
Derek Scarbro



Matthew H. Mead, Governor

Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's
environment for the benefit of current and future generations.*



Todd Parfitt, Director

June 15, 2017

Katharine S. MacGregor
Acting Assistant Secretary-
Land and Minerals Management

RE: Response to Department of Interior Request for Comments on an Internal
Review of Coal Programs

Dear Ms. MacGregor,

Thank you for the opportunity to collaborate and provide input into your internal review process of coal programs managed and regulated by the Department of Interior. The Wyoming Department of Environmental Quality (WYDEQ), following the five suggested areas outlined in your May 15, 2017, letter, offers the following for your consideration.

1. Regulation, Policy, and Guidelines:

Federal coal leasing is governed by a wide array of statutes, regulations, policies, and other guidance that agencies try to synthesize and seek to improve.

The Lease by Application (LBA) process and Lease by Modification (LBM) process have been used and improved since the decertification of the Powder River Basin. This process of lease nomination and then Environmental Impact Statement (EIS) development has worked well and has provided for a competitive bidding process that has benefitted both the State and the Federal government since implementation.

Expansion of the National Environmental Protection Agency (NEPA) scope beyond the fundamental leasing process has significantly extended the review time of coal leasing and permitting. Prior to 2008, the average coal leasing action took four years, and permitting took two years. In contrast, since 2008 the average time it takes to secure a lease is nine to eleven years. These delays to state and federal government revenue receipts from the bonus bids, taxes, royalties, and ad valorem is substantial when the time value of money is considered. Operational expense is also increased for the coal operators.

WYDEQ recommends OSMRE become an active cooperating agency during the leasing process. This should reduce or eliminate the need to conduct a second Environmental

Katharine S. MacGregor
 June 15, 2017
 RE: Response for Comment on an Internal Review of Coal Programs
 Page 2 of 5

Assessment (EA) to approve the federal mine plan and prevent the need to reopen NEPA.

WYDEQ recommends that OSMRE review the mine plan and associated impacts and clarify with the BLM the data that are necessary in the EIS leasing document.

2. Leasing and permitting:

The regulatory structure underlying the Federal coal leasing program has been in place since the late 1970's. Under the Federal coal leasing program, the Government determines where and how much coal to offer for the lease. This process has evolved based upon the results of litigation, BLM review, and other reviews such as reports by the DOI Office of Inspector General and the U.S. Government Accountability Office; however, the underlying leasing and permitting structure has not changed.

The leasing structure has changed considerably in the PRB since the 1970s. The major change was the determination to decertify the PRB and move to the LBA and LBM leasing process in 1984. The *Report to the Commission On Fair Market Value for Federal Coal Leasing* in 1984 was the basis for the transition to "maintenance leasing". This system has served the public's best interest in securing a fair market value of the coal leasing actions. It is also important to consider that the Wyoming area surface coal mines are large and expansive in nature and the infrastructure required to support these operations is extensive. Therefore, it is very difficult for a new operation to be developed in this established coal region. This fact is recognized in the BLM Regional Management Plan (RMP) and the coal producing area of the PRB is clearly defined in the RMP, and further supports the move to maintenance tract leasing under the LBM and LBA processes.

WYDEQ recommends that the EIS recognize that the mines in WY are area surface mines and reclamation is concurrent with mining operations. This should be detailed to provide clarity. Use of the correct definition and terminology is important to cooperating agencies such as OSMRE with NEPA reviewers from different regions of the U.S. The EIS should also reference acres permitted, disturbed, reclaimed, and reclaimed acres in agricultural production or industrial repurpose.

3. National Environmental Policy Act (NEPA):

The review process plays an important role in the analysis of environmental effects of proposed actions and possible mitigation of these effects. However, the delay and uncertainty surrounding these actions make investment less attractive, stifle economic

Katharine S. MacGregor
 June 15, 2017
 RE: Response for Comment on an Internal Review of Coal Programs
 Page 3 of 5

growth, and hinder job creation. The following improvements to the NEPA process would substantially increase the efficiency and timeliness of environmental reviews.

Coordination: A complex stratum of laws and regulations in addition to NEPA requirements makes permitting a cumbersome process. DOI should seek combined and concurrent processes with other state and federal regulatory agencies.

Designate the Bureau of Land Management as the lead agency to manage NEPA reviews. Wyoming has a Memorandum of Understanding (MOU) and cooperative relationships with the Wyoming State BLM office, district offices, and field offices. Working with cooperating agencies is important to identify data gaps, interpret data, and develop alternatives and potential mitigation measures. NEPA reviews are strengthened when cooperating agencies are involved early in the process.

The Environmental Protection Agency (EPA) and the Office of Surface Mining (OSM) reviews often focus on mitigation measures for the proposed action. This can lead to time-consuming negotiations between agencies. If the agency feels the measures are inadequate they may require revision and initiate another round of review or public comment.

Schedule: The lead agency should develop meaningful and expedient timelines for the review process. These timelines should be developed early in the process. When cooperating agencies have regular and significant engagement in the review process revisions are minimized and process timelines are achievable.

Data: Early and well-defined scoping and significant engagement of local and state governments will focus environmental review and data needs on issues relevant to a meaningful decision. Coordinating with cooperating agencies will take advantage of existing studies and data resources. This should be especially pertinent with coal actions.

Preferred Alternative: Identify the preferred alternative as early as practical in the process to focus resources on the full development and analysis of the most likely alternative. While all alternatives must be analyzed and comments from the public considered the level of analysis and resource commitment to those other than the preferred should be appropriate.

4. Fair Market Value (FMV).

The FMV determination is part of the leasing process and begins with a pre-sale estimate of value for prospective Federal coal properties. This is an integral part of the leasing process that can often be unnecessarily lengthy.

Katharine S. MacGregor
 June 15, 2017
 RE: Response for Comment on an Internal Review of Coal Programs
 Page 4 of 5

The Fair Market Value protocols were developed from the *Report to the Commission On Fair Market Value for Federal Coal Leasing* in 1984. The BLM has come under considerable scrutiny regarding how this calculation was derived. The questions that have been raised are related to the strict confidence in how the final valuation is made. It is important to consider that the coal operators are always bidding against a minimum valuation that has been independently calculated by the BLM. This number is blind to the potential bidders and represents a valuation based on fair market conditions. As a result of an increased interest in the process, BLM has been taking additional time to make certain that the final valuation represents a fair market value determination. This requires additional human resources to complete this work, and BLM has been unable to acquire those resources at this time.

WYDEQ recommends that the BLM clarify this history in the leasing EIS document. This information provides the fundamental rationale for the leasing program structure today. Specific reference to *The Report to the Commission On Fair Market Value for Federal Coal Leasing* in 1984 should be made.

WYDEQ also recommends maintaining the current requirement that keeps the FMV determination confidential so that the base valuation is not known by potential bidders.

5. Program Administration:

Mining of Federal coal requires the oversight of multiple DOI agencies with different obligations that operate under different statutes and missions.

The BLM and Office of Surface Mining Reclamation and Enforcement (OSMRE) have cooperating agency status as it relates to coal leasing, permitting, and compliance enforcement. These agencies have MOU's not only with each other, but also with the state of Wyoming. BLM and OSMRE serve different functions. The BLM is charged with the leasing and oversight of the Resource Recovery and Protection Plan (R2P2) and the OSMRE is charged with permitting and oversight of the state coal mining program, as Wyoming has primacy under the Surface Mine Control and Reclamation Act of 1977 (SMCRA). The overlap of the BLM and OSMRE actions takes place when OSMRE reviews the mine operations plan prior to approving a right of entry or right to access the coal. OSMRE has taken the position that because of the time it takes to complete the leasing action, an additional and independent Environmental Assessment (EA) is required. This action is a clear expansion of NEPA process and results in considerable duplication of expenditure of state and federal resources.

Katharine S. MacGregor
June 15, 2017
RE: Response for Comment on an Internal Review of Coal Programs
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WYDEQ recommends that OSMRE be a cooperating agency on the original BLM EIS and have its concerns addressed in the final EIS. Coordinating these actions early in the process would eliminate duplication and streamline the process.

WYDEQ further recommends that OSMRE use the final EIS at a minimum and preferably the Record of Decision (ROD) as the start date for the EIS determination. This is the only appropriate date because it encompasses the final impacts of the proposed action. Acceptance of this as the start date of the EIS final decision resolves the issue of the EIS becoming stale and nullifies arguments for an additional EA of the mine plan to approve federal right of entry to the coal reserve.

Thank you again, in the spirit of cooperative federalism, for the opportunity to provide input into the DOI process to improve the coal management and permitting process. WYDEQ looks forward to future opportunities to provide input to the DOI to improve the regulatory process. Please feel free to contact me at 307-777-7937 or todd.parfitt@wyo.gov if you have questions or if WYDEQ can be of further assistance.

Sincerely,



Todd Parfitt
Director

cc: Mike McGrady
Jessica Crowder
Kyle Wendtland
Brian Lovett
Jeff Fleishman
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From: Moody, Aaron
Sent: 2017-09-19T13:26:21-04:00
Importance: Normal
Subject: Fwd: NEPA/Planning Streamlining Report- Dratt in DTS for surname
Received: 2017-09-19T13:26:51-04:00
[FOR ASLM - Transmittal Streamlining Report to Secretary.docx](#)
[FOR ASLM- Appendix A - Summary Tables.docx](#)
[FOR ASLM Response Cover Memo - from DOI Secretary.docx](#)
[FOR ASLM - Appendix B External Input Report.docx](#)
[FOR ASLM - APPENDIX C - ACTION ITEMS ADDRESSING SECRETARIAL ORDER 3355.docx](#)
[FOR ASLM - Draft Report.docx](#)

Jack -- As we discussed, attached is the BLM's most recent draft of its NEPA/Planning streamlining report. There was a slight change of plan in that BLM submitted this to ASLM earlier than expected (last Friday). It is due to the Secretary's office on the 24th. We will review in coordination with DMR and Ann and elevate any issues to you and Dan as appropriate. Thanks!

-Aaron

Aaron G. Moody
Assistant Solicitor, Branch of Public Lands
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----- Forwarded message -----

From: Damm, Laura <laura.damm@sol.doi.gov>
Date: Tue, Sep 19, 2017 at 10:23 AM
Subject: NEPA/Planning Streamlining Report- Dratt in DTS for surname
To: Gregory Russell <gregory.russell@sol.doi.gov>, Elizabeth Carls <elizabeth.carls@sol.doi.gov>, Wyndy Rausenberger <wyndy.rausenberger@sol.doi.gov>
Cc: Aaron Moody <aaron.moody@sol.doi.gov>

Hello All,

Attached are the documents we received in DTS for surname. Rather than routing to everyone for review/surname it seems easier to just consolidate comments and then I'll upload consolidated comments, surname and forward to Aaron for review/surname. If that works for folks, can you please send any comments you have on these documents and I'll consolidate them. Greg, do you and Elizabeth want to forward to Anne and follow the same review process you used with other versions?

Wyndy, I left you a VM about DMR review. Do you prefer to add your comments to the consolidated version or should DLR review/surname and then forward to DMR for review/surname?

Thanks.

Laura

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Appendix B:

Report on State/Local/Tribal Government and Public Input

Improving the BLM's Planning and NEPA Processes

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Foreword

The BLM has received input from State, local, and Tribal governments, as well as approximately 1,000 submissions from members of the public, regarding ways to improve the BLM's planning and NEPA processes. The BLM considered the ideas in its initiative to identify ways to improve the Bureau's planning and NEPA processes. This document summarizes the common as well as unique ideas received from state, local, and Tribal government partner and the public that were relevant to the initiative.

Please note that State, local, and Tribal government partners have continued to submit their input; this document is representative of the input received and processed as of September 1st, 2017.

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Section 1, Resources and People

Section 1.1, People

State, Local, and Tribal Government Input

Employee retention and succession planning

Input: Modify employee relocation practices to optimize leadership development and longevity. Perform better screening as part of the selection process. Establish programs that allow valuable employees to move up in the same office rather than having to transfer out to acquire credentials necessary to advance to higher positions. Provide incentives to keep proven planning leads, project managers, line officers, and key resource specialists in their current positions for reasonable lengths of time, or until project milestones are completed. Emphasize importance of tenure in key positions. If key employees do leave, remove barriers to replacing them in a timely manner. Conduct transition planning, including promotion of local employees.

Staff resources

Input: Ensure sufficient staff resources and capacity to respond to local needs. If there is a lack of funding and resources to complete needed work, planning process revisions will not be sufficient to implement land use objectives.

Local hiring

Input: Prioritize hiring of local residents to staff BLM Field Offices to benefit from their understanding of local resources and socioeconomic conditions, build trust with State and local governments, and other stakeholders, and benefit local economies.

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Public Input

Associations and groups

Input: Use associations and groups to help disseminate information about NEPA processes to the public.

Partnership resource engagement

Input: Request assistance from local partnerships with a strong area of expertise in a particular resource, especially when there are no cooperating agencies with a strong specialty in that resource available.

Input: Further engage and utilize nonprofit trail organizations comprised of citizen volunteers and professional staffs in developing and sustaining public trails.

Employee accountability

Input: Use the annual EPAP evaluation process to hold managers and employees accountable for effective performance on their priority NEPA projects.

Community Engagement

Input: Have field staff actively participate in community events and attend community meetings that are not developed by the BLM.

Employee Retention

Input: Avoid the high rates of turnover and transitions at Field Offices that create unnecessary conflicts and delay planning processes.

Relocation of Washington Office

Input: Relocate the BLM national headquarters to the West, closer to the public lands they manage, and provide concomitant and meaningful public input mechanisms.

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Section 1.2, Training

State, Local, and Tribal Government Input

Training for BLM employees

Input: Focus on training for BLM employees. Establish and train dedicated planning/NEPA teams. BLM staff should have training on the diversity of Tribal governments in the Southwest region to increase awareness and cultural sensitivity. Offer opportunities for BLM employees and teams to become more engaged in local/community activities so that they can better understand community dynamics and needs.

Training for State, Local, and Tribal governments

Input: Develop training for State, local, and Tribal government officials to help them understand Cooperating Agency and Joint Lead Agency status. Make these trainings available electronically or by video. Provide opportunities for this training at the start of the planning process. Provide planning and NEPA training for Cooperating Agencies from neutral third parties, such as private-sector trainers. Develop and distribute a citizen's guide to NEPA and/or land use planning to educate stakeholders and the public on processes and requirements.

Dual BLM, State, Local, and Tribal Manager/Official Training

Input: Hold annual training for both land managers and local officials to train and inform interested parties in the consistency, cooperation, and coordination process. Many local officials have 2 or 4 year terms. Federal office managers also change positions on a regular basis. The annual training meeting could provide a common understanding of the roles and responsibilities of the various levels of government.

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Public Input

Geothermal review team

Input: Develop a core geothermal review team to help supplement BLM State staff in state, district, and Field Offices lacking in geothermal experience.

Project Lead knowledge

Input: Require project leads to research and know all completed NEPA documents by their office relating to their program area.

Input: Train employees adequately for the NEPA process. Planning leads should be well versed and have a NEPA certification before working on a planning effort.

Section 1.3, Contracts

State, Local, and Tribal Government Input

Incentives

Input: Use standard contract documents to provide incentives for early or optimum performance, similar to what the Federal Highway Administration uses for road construction work.

Local expertise

Input: Give preference to contractors that have experience in the subject matter or project area, including looking to local colleges or universities to find local expertise. Use local contractors whenever possible and practical. Use existing authorities' contract with State or Local governments to perform environmental analysis when State or local governments have agencies with specific expertise in the areas being analyzed.

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Contractor Certification

Input: Develop a certification process and, subsequently, a list of Planning/NEPA contractors certified by the BLM. Allow local and State governments to use BLM-certified contractors without further review (or, limited review) by the BLM for planning/NEPA requirements on local/State projects requiring BLM authorization.

Minimize Re-work

Input: Ensure responsiveness of third-party contractors to BLM and/or cooperating agency input. This will minimize extensive comments from cooperating agencies and reduce re-working analyses. When possible, opt for preparing NEPA documents in-house rather than through a third-party contractor.

Section 2, Interagency Streamlining

Section 2.1, Cooperation among Federal Agencies

State, Local, and Tribal Government Input

Integrate regulatory agencies early in the process to identify and address issues

Input: Integrate US Fish and Wildlife Service (USFWS) and National Marine Fisheries (NMFS), State Historic Preservation Offices (SHPO) decision making into the planning process to allow participation by all Cooperating Agencies and to achieve transparency and consistency. The Advisory Council on Historic Preservation's (ACHP) regulations at 36 CFR Part 800 specifically allow for use of the NEPA process for Section 106 purposes (800.9(c)). This substitution is one way to reduce redundancy and parallel reviews, while still meeting the purposes of both laws.

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Use Section 106 Consultation Process as Model

Input: Improve the working relationship with stakeholders by doing better consultation, thus building trust. The consultation process done for Section 106 can be a model.

Consistent environmental review and permitting processes

Input: Develop consistent siting and permitting processes within and among agencies (and across regions), as well as in coordination with States. This will avoid inconsistencies in the environmental review and permitting process for linear facilities, which make outcomes unpredictable and result in litigation and delays.

Modular capacity

Input: Explore the use of strike teams, interagency ESA consultation support, and other modular capacity to accelerate restoration in priority areas, including the expanded use of existing statutory authorities.

Ensure outreach to state legislators

Input: BLM outreach to state legislators provides an avenue for state legislators to "spread the message" to constituents and reach people that BLM might not necessarily be able to.

Make permanent an administrative review period for cooperating agencies

Input: This would ensure appropriate level and timing for review of documents.

Require BLM to align planning efforts with others

Input: Rewrite the planning rule to direct BLM to align approaches of planning efforts with other federal planning agencies, state and local planning efforts for consistency, clarity, and law enforcement. These efforts should be done early in the process and clearly identified in the implementation guidelines and handbooks.

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Use analyses prepared by Cooperating Agencies

Input: Reply on analyses prepared by Cooperating Agencies with subject matter expertise or, at a minimum, seek agreement on methodologies and data use. If Cooperating Agencies with subject matter expertise are willing to prepare analyses for BLM NEPA documents, BLM could incorporate those analyses rather than have third-party environmental contractors or BLM staff prepare duplicative, competing analyses.

Allow Cooperating Agencies to coordinate directly with NEPA Contractors

Input: Allow Cooperating Agencies to coordinate directly with environmental contractors preparing NEPA documents for BLM. In the past, BLM has limited Cooperating Agency coordination with BLM's NEPA contractors, requiring cooperators to express concerns and analysis suggestions only to BLM. This three-way communication process has proven inefficient for addressing the complex issues that often need to be analyzed in NEPA documents. Allowing direct communication between Cooperating Agencies and BLM's NEPA contractors (with BLM participation) during preparation of the NEPA analysis will provide greater transparency and facilitate more efficient completion of the NEPA process.

Collaborate with Cooperating Agencies on preparation of NEPA Analyses

Input: Work more closely with Cooperating Agencies during preparation of the NEPA analysis by providing access to preliminary analysis and an opportunity to provide input on proposed analysis methodologies prior to compiling a draft document. A greater reliance on Cooperating Agency expertise will provide increased transparency, a reduction in inconsistencies or concerns from cooperators, and a reduction in duplication or re-working of analyses.

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Focus analysis by improving coordination between NEPA and other compliance processes

Input: Include the Section 106 consultation process from the National Historic Preservation Act (NHPA). There is guidance on how to do this in the handbook written jointly by the ACHP and the Council on Environmental Quality: NEPA and NHPA, A Handbook for Integrating NEPA and Section 106 (March 2013).

Public Input

Cooperating agency transparency

Input: Ensure that cooperating agencies involved in NEPA reviews and consultation adhere to transparent and well-defined timelines.

Federal Agency MOU engagement

Input: Work with the approximately 40 hunting, fishing and wildlife organizations and 3 Federal agencies that signed the Federal Lands Hunting, Fishing, and Shooting Sports Roundtable MOU in 2006.

USFWS/NOAA

Input: Direct USFWS and National Oceanic and Atmospheric Administration (NOAA) to be cooperating agencies with the BLM.

USFS/DOI

Input: Legislatively transfer USFS to the DOI. That would solve the problem of the USFS and DOI have duplicative and at times conflicting NEPA processes.

Section 2.2, DOI Regulatory Changes

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State, Local, and Tribal Government Input

Limit NEPA revisions to those ordered by Court

Input: Limit court ordered revisions and reviews to the minimum required by the Court. Often BLM starts anew because an interest group won on a very small portion of a NEPA related case. Only revise those portions specifically directed by the Court.

Restrictions on Landscape Scale Approach

Input: Reverse the Landscape Scale Approach, as the Rapid Ecoregional Assessment (REA) strategy is designed to serve as an umbrella policy that overrides the planning process. In that same vein, Secretary Jewell issued Secretarial Order No. 3330 on mitigation to “use a landscape-scale approach to identify and facilitate investment in key conservation priorities in a region.” Indeed, the largest landscape approach to public lands management occurred through the implementation of LUP amendments for Greater Sage-Grouse (GRSG). This highly controversial landscape approach to the management of public lands for GRSG has been opposed by nearly every sector on the public lands. Litigation is underway by several Governors, conservation groups, extractive industries, recreation communities, and local governments.

Revise policies requiring redundant and time-consuming processes

Input: Resource Management Plans include stipulations for various land uses for entire field offices, and NEPA (including Determinations of NEPA Adequacy (DNAs)) should be reserved for site specific permits not at the pre-lease stage. This delays the process and allows additional opportunity for appeals and other delays.

Prohibit cancellation of issued oil and gas leases caused by administrative errors

Input: Prohibit the cancellation of previously issued oil and gas leases when caused by administrative errors by the BLM; these actions amount to a breach of contract with leaseholders.

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Adopt a uniform planning approach across DOI

Input: All DOI agencies should adopt a uniform planning approach to ensure, to the extent possible, that there is consistency and understanding across DOI administrative lines.

No regulatory changes needed

Input: Enforce codes already in place. Violators of regulation should be held fully accountable for blatant disregard of environmental quality and safety. Taxpayers and landowners should not have costs externalized on them.

Define the Term “Immediate” in Wild Horse and Burro Management

Input: Define the term “immediate” in regards to the Wild Horse and Burro Act in the Land Use Planning Handbook, to allow for more transparency and consistency. The Wild Horse and Burro Act requires the BLM to “immediately remove excess animal from the range so as to achieve appropriate management levels” when it determines that overpopulation exists. However, courts have been hesitant to enforce this provision of the law because the term “immediate” is not defined in the statute.

The BLM needs a consistent nationwide policy regarding horizontal wells and mixed minerals

Input: Currently, BLM-Wyoming has a more restrictive requirement for a "full" Application for Permit to Drill (APD) for horizontal wells located on private surface and private minerals, but that have a horizontal wellbore that produces from federal minerals at some point over the lateral distance.

Under IM 2009-078, the BLM does not have an obligation to ensure that surface disturbances are reasonable and necessary when a well is drilled on private surface/private minerals and uses directional drilling technology to access federal minerals. In the above mentioned example, the BLM does not need to have BLM inspectors enforce federal rules with regards to surface issues such as pits, BOP tests, evaluation of cementing behind casing, etc.

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**Lift outdated ANCSA d-1 withdrawals and expedite recommendation on remaining
withdrawals**

Input: DOI should prioritize acting on all of BLM's previous planning recommendations in Alaska to lift outdated ANCSA d-1 withdrawals and expedite recommendations on remaining withdrawals not superseded by ANILCA designations.

Promulgate regulations for integrated activity planning

Input: Promulgate regulations for integrated activity planning or revise BLM policies to exempt integrated activity plans from regulations and directives that apply to resource management planning, such as wild and scenic river reviews, and directives that implement the “Protecting Wilderness Characteristics on Lands Managed by the BLM”, (Secretarial Order 3310), to ensure consistency with the Naval Petroleum Reserves Production Act of 1976, which applies to the National Petroleum Reserve Alaska, and FLPMA.

Exempt Alaska from Wilderness, Wild & Scenic River Reviews

Input: Exempt Alaska from “Protecting Wilderness Characteristics on Lands Managed by the BLM”, (Secretarial Order 3310), which conflicts with several provisions in ANILCA that apply to BLM wilderness reviews and exceptions to Wilderness Act prohibitions, resulting in BLM multiple use lands being managed more restrictively than designated wilderness. Reinstate former Interior Secretary Gale Norton's Alaska Wilderness Review Policy, which authorized wilderness reviews in Alaska only when there is broad support by the State and Federal elected officials representing Alaska.

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Exempt Alaska from the BLM policy directive to conduct agency-directed wild and scenic river reviews during the RMP planning process, affirming direction in ANILCA that allows only congressionally authorized reviews.

Work with the State of Alaska to develop ANILCA Guidance

Input: Work cooperatively with the State of Alaska to both ensure accurate and consistent interpretation and implementation of ANILCA, and to develop comprehensive ANILCA regional guidance for Alaska that can be applied to planning efforts and other management actions.

Section 2.3, Legislative Changes

Endangered Species Act (ESA)

State, Local, and Tribal Government Input

ESA and multiple plans

Input: Align the review of multiple plans affecting the same resource, primarily with regards to threatened or endangered species that have vast western ranges.

Amend the ESA

Input: Amend the ESA as recently proposed by House Republicans.

Recovery goals and habitat

Input: Revise the ESA, considering recovery goals rather than habitat.

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Public Input

Land Use Planning

Input: Address actions necessary for species recovery and the extent that recovery can be influenced at the LUP level. Doing so at the plan level will facilitate more efficient and less controversial project-level actions.

Input: Incorporate ESA Section 7(a)(1) conservation reviews in land use planning to support more effective and efficient species conservation programs, and reduce future legal conflicts over resource management.

Tribal Lands

State, Local, and Tribal Government Input

Change planning and NEPA processes to reflect that Indian Tribal lands are not public lands

Input: Change the BLM rules to recognize that Tribal land differs from public land, and to accelerate the NEPA process applicable to Tribal land use. Regulatory reforms could ease the burden of NEPA compliance on tribes in relation to administration of Tribal lands. In attempting to address the multiple interests of Federal taxpayers and interest groups in the use of public or national forest lands, however, the regulations and practices of the BLM and Council on Environmental Quality (CEQ) fail to recognize the drastic differences between public lands and Indian lands.

Ensure that laws, regulations, and policies reflect the unique interest that Tribal constituents have in decisions affecting Indian lands, as legitimate stakeholders in such decisions may have significantly different viewpoints.

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ISDEAA

State, Local, and Tribal Government Input

Input: Reform regulation, consistent with Congress' policy favoring Tribal self-determination, to eliminate regulatory obstacles preventing Tribes from entering into self-determination contracts under the 1975 Indian Self-Determination and Education Assistance Act (25 USC 46.5321) for performing an agency's NEPA responsibilities.

Wild Horse and Burro Act

State, Local, and Tribal Government Input

Input: Empower all tools for wild horse and burro (WHB) management. Congressional riders have reduced the tools available for WHB management even though these tools are allowed under the Wild and Free Roaming Horse and Burro Act as Amended.

Section 106

State, Local, and Tribal Government Input

Input: Sec 106 of NHPA must be followed and any process cannot shorten that timeline.

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Mining and Minerals Policy Act of 1970

Public Input

BLM Planning Manual

Input: Incorporate the Mining and Minerals Policy Act into the BLM Planning Manual, and follow the Congressional Declaration of Policy in Section 102(a)(12) of FLPMA, "Public lands be managed in a manner which recognizes Nation's need for domestic sources of minerals... including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a," more closely.

General Mining Law of 1872

State, Local, and Tribal Government Input

Input: Update the mining laws to prevent “new mining” claims on lands where a Recreation and Public Purposes (R&PP) application has been applied for. Currently a jurisdiction has to wait for the Notice of Realty Action (NORA) to be published, new mining claims should not be permitted once the R&PP has been filed.

New Legislation

Input: Establish a procedure for resolving claims to certain rights-of-way on public lands. S. 468 would achieve judicial and administrative efficiency and would reduce the costs typically associated with resolving right-of-way claims under R.S. 2477.

Input: Congress could provide clarity on what “major federal actions” require EISs and what could be covered under EAs or CXs.

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Input: Work with Congress to transfer the BLM’s multiple use management authority to the state. Some potential transfers may include the National Petroleum Reserve - Alaska (NPR-A), the White Mountains National Recreation Area, and the Steese National Conservation Area.

Historic Routes Preservation Act

State, Local, and Tribal Government Input

Input: Clear up the title on RS 2477 roads (e.g., Historic Routes Preservation Act). Access on BLM administered land continues to be a conflict-causing issue. Only a federal court or Congress can dispose of this issue once-and-for-all.

Section 3, Addressing Disputes

Section 3.1, Dispute Resolution Process

State, Local, and Tribal Government Input

Settlement policies

Input: Work with the Department of Justice to review settlement and dispute resolution policies, especially in cases where the settlement decision binds the BLM to implement plans that are inconsistent with State laws and regulations, and in cases where BLM pays large legal fees as part of the settlement.

Lawsuit Schedule

Input: Proceed with lawsuits in an expedited manner (e.g., avoid continuance, maintain discovery within the designated timeframes for civil rules, etc.).

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Public Input

Stakeholder, User Group, and Local Govt. engagement

Input: Encourage collaboration and meetings among different stakeholders and interest groups, including sportsmen and environmental groups, to create compromise and reduced conflicts.

Input: Encourage land managers to reach out to impacted user groups to ensure their input is obtained.

Input: Work out differences before the planning process is finalized by having all stakeholders reach a consensus.

Input: Work with local leaders to assess community interest and likely opposition issues that may need additional analysis.

Section 3.2, Full Force and Effect

Public Input

Timber Sales

Input: Have a policy of giving timber sales “full force and effect” once the protest is denied.

Section 3.3, Other Dispute/Protest/Appeal Input

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State, Local, and Tribal Government Input

Forest Service (USFS) objection process

Input: Consider whether the pre-decisional and appeal process used by the USFS is more efficient than the BLM's process.

Public Input

Monitoring and mitigation capacity

Input: Be honest about the BLM's limited capacity relating to monitoring and mitigation the agency does not have the staff time or resources to perform.

User group prioritization and unsolicited public input

Input: Do not provide any user or interest group a priority position, and do not allow unsolicited public input provided outside an active request to delay or alter the implementation of a plan after the planning process is finalized.

USFS objection process

Input: Use the objection process used in the USFS to meet with objectors to discuss planning issues. The USFS system is more efficient and effective for understanding the agency's preferred management for a particular issue and arriving at a consensus alternative with other stakeholders.

Standardized Protest format

Input: Provide a standardized template for protests, and require protest points to be summarized on the first page.

Use plans that weren't litigated as examples

Input: Look to successful plans that weren't litigated against as examples for how to complete the planning process.

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Section 4, State/Local and Tribal Govt. Engagement

Section 4.1, Coordination

State, Local, and Tribal Government Input

Tribal Input

Better Communication

Input: Make better use of email, telephone, and online chats to improve communication. The BLM should be transparent, and work better with Tribes on issues to turn these weaknesses into strengths.

Ensure that each Field Office has a minimum of one annual face-to-face meeting with each tribe to discuss BLM planning and NEPA issues. This would help facilitate and streamline these BLM processes.

Do not consider the ePlanning website as a replacement for in-person consultation and engagement with tribes.

Consultation and Coordination

Input: Ensure that analysis includes Tribal input (consultation and coordination) when the project may affect the quality of the Tribe's natural and cultural environment, including the reservation's air and water quality and the well-being of the Tribe's wildlife.

Involve Tribes more in environmental review and assessment

Input: Include tribes more in surveys, testing, and data recovery.

Concerns

Input: Insufficient time to review and respond to BLM's (and other Federal agency's) request creates an "undue" burden to reply. Truly meaningful suggestions take time to develop. There have not

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been any adequate or appropriate consultation, or general good faith efforts in meaningful dialogue, on this streamlining effort.

It is unclear how this streamlining effort (BLM and other parallel Federal efforts) will proceed with everyone's best interest at heart. The process is unknown. How will the Tribes be assured that their input will be integrated into the report, that their input is duly considered, or that it will result in a meaningful outcome?

With no draft report being released, there is concern that this streamlining effort will affect the Tribes' ability to review and comment on implementation of future Federal actions.

State Input

Science

Input: Clearly articulate and recognize in all NEPA documents and LUP efforts that the authority to manage fish and wildlife on BLM public lands resides with the State wildlife agency. BLM should collaborate with the State to manage the habitat of the fish and wildlife in a manner that respects private property rights and State management authority over wildlife resources. Every planning effort and environmental review should include and reflect this strong, collaborative relationship in order for the BLM to achieve its mandates and for the State agencies to achieve their management and population objectives for fish and wildlife on BLM public lands.

Identify the importance of states' rich heritage and historic traditions of hunting and angling, and the yearly economic contributions from sportsmen and sportswomen. BLM should evaluate the effect of agency actions on trends in hunting and fishing participation, and address declining trends by implementing actions that expand and enhance hunting and fishing opportunities.

Leverage the use of State, Tribal and local expertise and science in Federal environmental review, consultation, and permitting requirements. Members of State governments should have the opportunity to be included on ID Teams.

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Treat States as co-regulators, taking into account State views, expertise and science in the development of Federal actions.

Establish a state committee of resource experts to conduct an independent review of a challenged document, including field evaluations if necessary, to either support the BLM position or provide recommendations on how to change and improve.

Consultation

Input: State fish and wildlife agencies would like to participate in developing management direction for special land use designations or allocations. BLM also needs to reach out prior to implementing plans, including notice of public meetings.

Consult with States on a regular basis, including outside of the NEPA and planning process: as a predicate to Federal action; through the pre-publication stage of rulemaking; after publication and before adoption of rules and regulations; and on an ongoing basis throughout implementation.

Encourage coordination as a continual dialogue between the BLM and engaged state, local, and tribal governments with interests germane to the development of land use plans.

Ensure that Federal/State consultation is substantive, take place on an early and ongoing basis, and involve both Governors and State regulators.

Ensure that resource management plans (RMPs) are developed and amended in coordination with Governors. RMPs should be developed with meaningful and substantial input from Governors and State regulators before they are released for public comment.

Participation should be results driven and create opportunities and outcomes that work for stakeholders and decision makers.

Recognize the important difference between participation by the public and coordination with State and local governments, Tribes, and Federal Agencies. Coordination must be distinct from public

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outreach and involvement in order for the State and local governments to have meaningful participation under FLPMA. BLM needs to recognize

Develop overarching procedures and implementation handbooks/guidelines in coordination with State agencies to minimize negative impacts to statutory authorities and the State's ability to fulfill state trust responsibilities and for areas of mutual interest and management authority.

Designate a specific timeline and process for coordination, collaboration, and conflict resolution with the State wildlife agencies during the development of any planning regulation or guidance and before the release of any final planning documents with potential to impact state jurisdictional authorities and its ability to manage wildlife on public lands, including guidance for special designations including wilderness, wilderness characteristics, ACECs, WMAs, Recreation Opportunity Spectrum, VRM classifications, Cooperative Management Areas, etc.

Engagement

Input: Invest in key State and Federal liaison positions with decision-making authority to provide better engagement and understanding between State and Federal forest, wildlife, and land management agencies.

Facilitate the participation of local governments by dedicating staff to develop and provide technical assistance and enhance communications across local, Tribal, State, and Federal partners.

Use the following suggestions for facilitating coordination at the state level to ensure input is represented:

- State Land Use Planning Advisory Council (SLUPAC)
- Issues on Governor's appointed board, with the intent of bringing a consistent message

Provide improved guidance to applicants to promote early identification of stakeholders and early initiation of consultation to foster transparency.

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Coordination during National Monument designation

Land and monument boundaries for National Monuments in New Mexico had little input from local agencies such as the New Mexico State Land Office. Lack of transparency and participation of local governments and state agencies significantly limited the consideration of local concerns and priorities for land use and management. For example, by the time NMSLO and BLM met to discuss exchanging State Trust Land parcels out of the monuments' boundaries, NMSLO was limited to selecting limited-value parcels from BLM's Disposal Lands List. Had BLM involved NMSLO earlier in the process, NMSLO would have had an opportunity to select higher-value parcels better suited to exchange. This has effectively limited any subsequent land exchange because BLM planning and NEPA processes are so time-consuming that a land exchange involving lands not on BLM's disposal list could not be completed during the 4-year term of a Land Commissioner.

Local Government Input

Coordination

Input: Conduct coordination consistent with federal law; however, recognize that it is not subordinate to the regulations, purposes, policies and programs of such laws, which should be developed in coordination with state, local, and tribal governments to meet the intent of FLPMA. Congress clearly intended BLM consider not only the plans of State, local, and tribal governments, but also their programs and policies.

Coordination by definition is "of the same order or degree; equal in rank or importance" (Merriam Webster Dictionary). Therefore, coordination under FLPMA implies active participation of the state and local government at a level higher than afforded the general public. Only State and local governmental entities, elected by the people and accountable to it, are able to incorporate and legitimize the compromises necessary for sustainable management of the lands.

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Implement a process outside of the limitation of the Cooperating Agency status for local governments. Have a separate and distinct coordination process with State and local governments. If coordination was carried out by the BLM as prescribed by FLPMA, local governments would have a refined process that is efficient, action-oriented, and productive. The coordination process, as prescribed by FLPMA, would create a process that is open and transparent; provide early identification of key planning issues; identify possible constraints, conflicts, and potential resolutions; and eliminate unnecessary delays and opportunities for litigation. Congress recognized, in developing and adopting this section of FLPMA, that State and local governments in regions dominated by federal land ownership needed additional engagement opportunities above and beyond those provided to the general public. Cooperating Agency status provides only a limited forum for local concerns be considered, but no mandate they be accepted or rationale for any disagreement; this is why coordination is so important.

Local citizen and leader involvement

Input: Ensure that local citizens and government leaders are the most involved in the planning process; they have vast knowledge about local issues and are most affected by the LUP. Early personal contact with local government and the governor's office should emphasize the importance and high value of their direct involvement. This may help foster a sense that the agency does value the opinion of the local governments, and local governments may feel a sense of ownership in a proposal or plan.

Simplify the coordination process, but also actively involve those most affected by the decisions being made (the grazing permittee, the private landowners (if surrounded by BLM land), the subsurface mineral owners, etc.). Coordination fosters solutions and coordination is continuous. Also, accessibility to the planning documents and process should be enhanced. For example, one final RMP refers the reader to a website to obtain information; however the website for that Field Office is not longer in existence.

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Do not relegate counties to a simple “review and comment” process during the public consultation process; “meaningful involvement” under FLPMA requires more than listening sessions and the ability to submit comments.

Geographic boundaries

Input: Establish the geographic boundary in planning early in consultation with local government.

FLPMA and NEPA

Input: Do not insist that the BLM can fulfill coordination with local governments in the NEPA cooperating agency forum. The requirement to coordinate pursuant to FLPMA cannot be fulfilled through the NEPA process. The purposes of the two statutes are distinct; FLPMA prepares the plan and NEPA analyzes the impacts and alternatives of that plan.

Ensure that planning rules specifically include the requirement that the Federal government meaningfully coordinate with local governments and resolve inconsistencies between local and Federal planning at the local level. FLPMA directs that local government "coordination" be conducted in the context of where "the lands are located." 43 U.S.C. § 1712(c)(9) Officially approved and adopted local Land Use Plans, resource related policies, and programs of State and local governments shall be considered for coordinating and consistency. The plain language of FLPMA 1712(c)(9) indicates that coordination should occur with respect to all BLM “land use inventory, planning, and management activities” and all State and local government “land use planning and management programs.” 43 U.S.C. §1712(c)(9).

Ensure that plans provide a framework, policies fill in ambiguous gaps, and the programs are the implementation level decisions for local governments. Thus, just because a program isn’t specifically mentioned in a plan does not mean that the BLM can ignore it.

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Grant counties, conservation districts, and other local governments Cooperating Agency status in the very beginning stages of planning.

Do not limit local government cooperation to the Connaughton factors. FLPMA does not contain any language that would require a local government to demonstrate any of the factors in the Connaughton Memorandum.

Make all documents available to cooperators as the documents are developed will facilitate reviews and allow changes on an ongoing basis

Develop more regulations that will strengthen the role of State and local governments in the planning process. Local governments are seeking for their Congressional right of full participation in the process of coordination and consistency. They are requesting involvement to the maximum extent legally available.

Ensure that counties can have both Cooperating Agency status, as well as participation on ID teams for EAs as well as EISs. Cooperating Agency status should be available on non-EIS projects, as coordination is required even when EAs or a FONSI is being prepared.

Ensure that local governments are informed immediately through the coordination process when the BLM begins an EA or EIS, so the local government can participate as a full partner on each project/undertaking.

Elevate and respect the local governments' coordinating agency roles in EIS development.

Enforcing current rules on coordination

Input: Revise the rules to clearly state that FLPMA requires BLM to coordinate and consult with all State and local government agencies. Bolster and clarify formal coordination protocols with state and local governments that describe in detail the process for coordination at every stage of the planning and decision processes, especially how to address inconsistencies with state and local land use plans, policies, programs, proposals and laws.

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Clarify BLM policy and guidance to better note that the BLM owes the duties under FLPMA Section 202(c)(9) to State, local, and tribal governments but not to other non-governmental stakeholders and needs to establish a clear process for how State, local, and tribal governments can learn of and exercise their rights under Section 202(c)(9)

Ensure existing laws and regulations mandating coordination, cooperation, and consistency with state and local land use plans, policies, and programs be fully implemented. Existing laws and regulations are broad enough that reforms can occur without new regulations or statutory reforms, in most cases. If BLM fulfilled its duties to be a partner and not just a neighbor with States, Tribes, and local governments, more progress would be made in developing and implementing BLM plans.

Bolster coordination and consistency requirements so that they are not limited to development or amendments of RMPs, but to all management actions taken within the confines of these plans. Planning assessments and project development must include meaningful coordination before the public process begins to identify possible conflicts and inconsistencies early, and outline the process and framework to avoid unnecessary conflict and distrust later on.

Better county and local government coordination concurrent with State level involvement

Input: Allow and welcome county coordination with local BLM offices to participate in the inventory, designation, planning and management of all Federal lands in the county.

Recognize only State, county, and Tribal governments as coordinating entities. Remember Commissioners represent the whole county.

Allow counties to coordinate and participate in State to State conversations/decisions (e.g., State wildlife, Governor's office, and other counties).

Recognize that local officials have on-the-ground knowledge of the local issues and are dedicated to the long term productivity and protection of the land. Once they are meaningfully engaged in the

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planning process through coordination, solutions are achieved, consistency can be accomplished and the planning process will be quicker, less expensive and produce a better end product.

Working example of successful collaboration

Input: Kathleen Clark from the public lands policy coordinating office has organized a multiple use-working group with participation from FLMA's, counties and other stakeholders. Goshute county to county and has created a great relationship and worked toward common goals.

Proposals by Local Governments

Proposal by Garfield County, Colorado for Coordination between BLM and Local Government

- Hold government-to-government meetings in compliance with State open meeting laws.
- Give early notice to State and local governments for all inventory, planning and management activities, prior to decisions being made.
- Have efforts to identify and resolve conflicts occur at the beginning of the process and continue throughout.
- Begin consistency review of local plans, policies and programs immediately.
- Give State and local governments 30-60 days, prior to public comment, to review inventory determinations, draft and final plans, and implementation actions, to ensure consistency between planning authorities is met. During this review time, work to resolve any remaining conflicts and, if necessary, submit a new copy of the document for public comment.
- Clearly state the position of the local government in every document released to the public for comment.
- Obtain a resolution from the local government as to whether the agency's plan or action is consistent with the local plans, policies and programs and included in the public document.

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- If, after making every effort to resolve a conflict, the agency is unable to reach agreement with the Local government, the final document must explain the agency's reason for not reaching consistency.
- Implementing a coordination process that follows these principles would provide a path to identify problems and solutions early, bring together planning partners, and ultimately make better decisions.

Proposal by White River and Douglas Creek Conservation Districts, Colorado

1. Define "Local Governments" as the administration of a particular town, county, or district, with representatives elected by those who live there.
2. Develop an on-going "workgroup" of local governments who are impacted by Federal land management within that BLM District's boundaries.
3. This group should meet monthly, at a minimum, to discuss upcoming planning processes and have significant input into the development of the draft proposal (EA) before the drafting process is started.
4. The group should provide specific details and guidance in the development of the draft proposal and alternatives.
5. Once the original draft is crafted, the work-group review the first draft and provide recommendations for edits.
6. The draft is then edited to reflect those recommendations.
7. The draft then goes out for public comment for approximately 60 days.
8. Public comments are considered by the agency and the workgroup.
9. Finalized document is signed by the respective BLM Field Office Manager.

Proposal by Duchesne County, Utah

- Field Offices do a pretty good job at coordination. In our area, BLM, USFS, and other local federal agency reps meet with county officials monthly for breakfast and to discuss projects/issues of mutual interest.

Proposal by Mesa County Board of County Commissioners, Colorado:

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- Follow the model of the FWS in 50 CFR Chapter IV “Revised Interagency Cooperative Policy Regarding the Role of State Agencies in Endangered Species Act Activities.
- A similar emphasis on coordination with State and local agencies throughout the process can help ensure that the RMPs are based on the best scientific and commercial data available.

Proposal by Eureka County, Nevada

- Provide early notification (prior to public notice) to the State and local government of all actions or plans of BLM that will affect the local population;
- Provide opportunity for meaningful input by the State and local government with substantial weight and meaning applied by the BLM to the input;
- Be apprised of the State and local government policies and plans;
- Solicit State and local government interpretation of these policies and plans;
- Adequately consider the State and local government plans, policies, laws, proposals, and programs when working on BLM policies, plans, or management actions;
- Make BLM policies, plans, or actions consistent with the State and local government plans (including proposed plans), policies, laws, proposals, and programs during, not after, the planning process;
- Meet with state and local governments, when inconsistencies arise, in order to work towards consistency;
- Specifically justify and explain in the document of analysis (i.e., EIS) why consistency could not be reached and steps to strive for consistency moving forward.
- Empower and direct State and local BLM offices to enter into formal coordination agreements outlining the details of coordination along every step of BLM planning and management processes.

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Consistency with Local plans

Input: Properly coordinate and work to reach consistency with local government plans. This will allow the BLM to incorporate these solutions and speed up the Federal process. FLPMA prescribes that LUPs and NEPA documents are consistent with local government plans.

Coordination requires accountability. In the Cooperating Agency process there is no requirement that the BLM be consistent with county plans or accept county plans, and there is no requirement for the agency to explain why it is not consistent with county plans. FLPMA requires the BLM to keep apprised of local plans, policies, and programs, to consider these during its inventory, planning and management activities, work to resolve conflicts between planning positions, meaningfully involve the local governments in its process, and ultimately achieve consistency between plans. FLPMA requires the BLM to provide good reasons why it cannot be consistent with local plans.

Find a means and processes for ensuring the BLM's plans programs and policies are consistent to the maximum extent with State laws, policies and programs. The BLM needs to do a better job identifying to the State and the public areas where consistency is lacking.

Early involvement of local and tribal governments will allow the opportunity for these entities to help develop proposals that would be consistent or more consistent with local plans.

Refocus on the BLM's FLPMA-mandated mission of multiple use and sustained yield while coordinating its plans with the plans, policies, and programs of State and local governments. The BLM has shifted away from a multiple-use model to a limited use and preservation model in certain areas of Utah and the west. NEPA does not mandate the most environmentally friendly or restrictive approach; instead, it only requires the BLM to work with governments, stakeholders, and the interested public to take a hard look at the alternatives, evaluate the potential decision, then make a decision that complies with FLPMA to continue the multiple use and sustained yield mission.

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Decisions at local level

Input: Authorize local BLM officials to make decisions that will resolve conflicts, limiting the decisions that must be reviewed by the State or Washington D.C. office. Review at the WO level takes too long and delays the NEPA process.

Follow the coordination process as described by FLPMA; that would create local based decisions, instead of decisions directed from Washington D.C. and authorize local BLM officials to make decisions at the local level. The BLM Planning processes would be more efficient and effective as local BLM officials are empowered by giving them the flexibility and authority to work with local officials in a cooperative manner and find solutions unencumbered by Washington D.C. bureaucracy.

Empower local and State managers to authorize decisions that permit wise use of the land within the limits of the law.

BLM functioned for many years without land use plans, relying on Washington Office and State Office policies to guide State and District Managers, who worked closely with local interests to manage according to these policies.

Recognize the difference between county and local governments. BLM needs a more coordinated approach to analyses using local area manager expertise and local government input. Local BLM employees have a greater understanding of local conditions, customs, and economic impacts of BLM management.

Ask local area managers what would be helpful to them.

Allow BLM employees to have discretion to make quick planning decisions to address problems in an ever-changing landscape. Failure to empower local employees often results in actions that are a “day too late” to make a difference or improve conditions.

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Handbooks and Manuals

Input: Include direction in BLM handbooks, manuals, guidance, and training that local governments are to be informed immediately when the BLM begins a new NEPA document (EA or EIS).

Provide detailed instruction in the BLM Planning handbook on how to carry out the “coordination” process, which is required by statute. The current BLM Planning Handbook has detailed direction on how to implement the Cooperating Agency process with States and local governments. It also contains an appendix on how to implement the “collaboration” process with stakeholders.

Require consultation with State and local governments in each section. Very few sections specify that there is to be “notice, consultation and hearings” involving local government.

Amend the planning handbook to define “cooperating agency” to follow the intent of FLPMA as closely as possible BLM coordination with State and local elected officials is critically important to effective management and is required under FLPMA.

Duchesne County, Utah

Amend the land use planning handbook as follows:

- Appx A, Sec I B, p. 1: Give more weight to local interests as opposed to regional or national "distant interests."
- Appx C, Sec I D, p. 5: Require consultation with county government regarding special status species decisions.
- Appx C, Sec I E, p. 6, (1st para): Require consideration of local plans before identifying desired outcomes associated with Fish and Wildlife.
- Appx C, Sec I F, p. 8: Require consultation with counties and consideration of local plans during planning and implementation for management of wild horses and burros.
- Appx C: : Require consultation with counties and consideration of local plans during planning associated with:

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- o Sec I G, p. 10: cultural resource evaluations.
- o Sec I H, p. 10: paleontological resources.
- o Sec I I, p. 11: visual resources.
- o Sec I K, p. 12: wilderness characteristics.
- o Sec II A, p. 14: forestry.
- o Sec II B, p. 15: proposed decisions on grazing.
- o Sec II C, p. 17: proposed decisions on recreation and visitor services, including SRMAs.
- o Sec II D, p. 20: proposed decisions on comprehensive trails and travel management.
- o Sec II H, p. 24: proposed decisions on Fluid Minerals (Oil & Gas, Tar Sands & Geothermal Resources).
- o Sec II I, p. 25: proposed decisions on Locatable Minerals.
- o Sec II J, p. 26: proposed decisions on Mineral Materials.
- o Sec II K, p. 26: proposed decisions on Non-Energy Leasable Materials.
- o Sec III A, p. 27: development of site-specific implementation actions and plans for special designations such as National Monuments, National Conservation Areas, National Recreation Areas, Cooperative Management and Protection Areas, Outstanding Natural Areas, Forest Reserves and National Scenic or Historic Trails.
- o Sec III B, p. 28: development of site specific implementation actions and plans for special designations such as WSAs, Wild & Scenic Rivers, ACECs, Research Natural Areas, Scenic or Back Country Byways and Wildlife Viewing Areas.
- Appx D, Table D-2, Economic Value Section: Put more emphasis on economic values that can be measured based on data and facts, and less emphasis on economic values that are measured subjectively. For example, the economic value of open space or improved wildlife habitat will vary from person to person. However, the value of resources developed from Federal lands can be

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objectively quantified. Too often in the past, Federal Agencies have used inflated, subjective values of ecosystem services to justify the denial of multiple use and sustained yield of resources from federal lands.

Socioeconomic analyses

Input: Ensure that consultation with local governments/cooperating agencies includes custom, culture, and mitigation measures related to BLM actions.

Conduct additional outreach with state and local governments to discuss the best formula for addressing socio-economics and ensure changes to this part of the process are efficient and meaningful.

Engagement

Input: Ensure more effective engagement with local partners, less closed-door discussions within BLM.

Rebuild trust by showing county and state officials that the BLM values their comments and is truly striving to make BLM plans consistent with local plans. Planning 2.0 process damaged trust levels

Success and failures with BLM are built upon the foundation, or lack of foundation, of open communication and meeting frequently to dialogue towards and reach mutually beneficial decisions.

Develop a truly transparent process for planning and NEPA that involves local agencies and local BLM administration to foster a more streamlined process that encourages partnership and mutual benefit, not just BLM's priorities and considerations.

Create a greater community presence and integration at local activities, meetings, boards, etc. in order to obtain a clear understanding of the needs of state and local governments, tribal partners, and other stakeholders.

Ensure that planning areas and Field Office boundaries correspond to county borders. BLM officials can then more effectively develop relationships of trust with county commissioners and other

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local leaders; forming these positive relationships is more difficult when BLM Field Offices do not follow county borders (e.g., Pinal County, AZ, must interact with 3 different Field Offices).

Make block grants available to rural States, counties, Tribes and grazing boards to alleviate budgetary restrictions preventing them from actively participating in the planning process.

Communication

Input: Ensure that Field Offices keep in close contact via mail, email, and phone with local government officials and solicit their comments on plans and projects. BLM staff need to respond timely (phone and email) to local governments. It is not uncommon for county staff to have to follow up on requests 3-4 times after the initial request/question.

Improve communication with local governments. As an example, the notification for this input opportunity was not sent directly to some counties; they were notified by other stakeholders.

Bolster transparency by proactively communicating NEPA processes and any schedule changes through local Field Office channels, so residents and entities within the region are aware of pending actions, impacts, and opportunities to comment.

Provide a single point of contact for state and local governments to work with on a NEPA or other planning effort. Counties are sometimes constantly transferred from one department, region, state office, etc. to get information and responses to questions. The counties sometimes get conflicting information and multiple requests for duplicative information.

Meet annually with State and local governments to identify areas of concern, prioritize planning decisions, and review past decisions. An annual coordination meeting before BLM begins any work plans or budget requests would foster good neighbors, be better in-line with CEQ guidance, and ensure State and local governments learn about planning documents early.

Continue Secretary Zinke's "Build the Trust" efforts and consider a roundtable style meeting in each public land state that invites representatives of various multiple uses.

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Improve consistency with messaging and information from Field Offices and what is available on the BLM website. For example, county staff were told to “ignore” information on the BLM website related to R&PP applications.

Better Communication (specifically to the Streamlining NEPA initiative)

Input: Coordination should have been pursued with local governments no later than one week when the Streamlining NEPA outreach took place. County governments are frustrated that it took 30 days into the process after Zinke’s memo to reach out to the counties and with the expectations for the review of a large amount of material. The counties feel like the process has been setup to fail.

Section 4.2, Consistency

State, Local, and Tribal Government Input

Consistency

Governors’ Consistency review timing

Input: Provide sufficient time for completion of the Governors’ Consistency Reviews, especially when agency plans affect multiple planning areas or resources.

Maintain the existing appeals process and associated timelines for the Governors’ Consistency Reviews. Also, in addition to officially adopted State land use plans, Governors’ Consistency Reviews should be applied to State policies, programs, and processes, as well as various types of State or local plans (e.g. State Wildlife Action Plans, conservation district plans, county plans) and multi-State agreements. Governors should have discretion to determine which State plans are pertinent to the review.

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Appeals

Input: Maintain existing timeframes, and ensure that Governors retain a right to appeal any rejection of recommendations resulting from a Governors' Consistency Review.

Consistency with Local resource management plans

Input: Adopt policies specifically directing the development of documents that incorporate and are consistent with County Resource Management Plans. Better define "to the maximum extent" in the FLPMA requirement that BLM make its plans consistent with local resource management plans "to the maximum extent" the BLM finds consistent with Federal law. When counties have a comprehensive County Resource Management Plan, that plan should be recognized and used as the primary basis for the BLM preferred alternative, unless Federal law dictates otherwise. Provide an opportunity for local governments to conduct a consistency review similar to the Governor's Consistency review, or allow them to participate in the review. For example the first 30 days of the 60 day review period could be provided for local governments to review the plan.

Cooperating Agencies

Input: Share documents with Cooperating Agencies as they are developed to identify inconsistencies with local plan area, as well as to facilitate more transparency.

Roles of State and Local Governments

Input: Keep in mind while coordinating with State and local governments that they are responsible for protecting the health, safety, and welfare of their citizens, and the BLM's responsibility to manage federal lands should not outweigh that. This distinction needs to be considered when determining consistency. State and local governments should have a seat at the table to ensure consistency. There should be constant communication between local governments so that there is an understanding of local plans.

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Resolving Inconsistencies

Input: Begin a consistency review of local plans immediately in order to identify and resolve conflicts early in the process, and should continue throughout the planning process. If consistency with plans cannot be accomplished, the final document should identify conflicts and explain why consistency could not be achieved. The BLM should invite a range of participants to resolve inconsistencies, including contractors and counties.

Section 4.3, Memorandums of Understanding (MOUs)

State, Local, and Tribal Government Input

Content of MOUs

Input: Formalize expectations inherent in the cooperating agency relationship via MOU, and provide model MOUs. The Wyoming County Commissioners Association provided recommended revisions to an existing generic MOU between the BLM Wyoming and Wyoming's counties.

Coordination

Input: Enter into binding Memorandum of Agreement (MOA) or another type of coordination agreements to carry out the mandatory coordination duties in Section 202(c)(9) of FLPMA. These would establish designated points of contact and mutually understood duties to coordinate and consult in advance of proposed BLM land use plans, land management, and other BLM decisions affecting non-Federal lands. This would provide a forum to be transparent and open on local BLM internal strategies, plans, goals, etc., and allow for coordination with local governments during the development of State, District, or Field Office priorities.

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Wildlife Management

Input: Ensure that land use planning policy includes specific direction that the BLM use existing overarching MOUs and other agreements with local governments for wildlife management activities within areas of special designation. If a land use plan may impact local governments' ability to carry out wildlife management activities, that must be disclosed and analyzed in the environmental review process.

Section 4.4, FLPMA

State, Local, and Tribal Government Input

Input: Ensure that coordination under FLPMA includes State agencies who manage State trust assets. Cooperating agency status does not meet this requirement.

Section 4.5, State and Local Govts. As Cooperating Agencies

State, Local, and Tribal Government Input

Timing for Initiation of Cooperating Agency Relationship

Input: Contact affected State and local governments to invite them to be cooperating or joint lead agencies as soon as it determines a planning project is needed. Improving MOUs with cooperating agencies and initiating the relationship early in the process to include cooperating agencies in scoping will improve focus and coordination with State and local governments. Cooperating agencies should be given an opportunity to participate in implementation and amendment to land use plans.

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Reimbursement for Local Governments

Input: Find ways to support rural local governments, such as a capacity assistance program, if the local governments do not have the capacity to fully engage as cooperating agencies, the BLM should find ways to support local governments, such as a capacity assistance program.

Contracting with Cooperating Agencies

Input: Reach out to eligible State and local governments and consider using their environmental analysis, or contract with State or local entities, to provide all or part of the planning analysis. Hire local governments to complete socioeconomic analysis.

Definition of Cooperating Agencies

Input: Define “Cooperating Agency” in the Planning Handbook to mirror the intent of FLPMA, based on 43 CFR 46.230. This should include a commitment to coordinate with Cooperating Agencies to the fullest extent possible concerning issues relating to their jurisdiction and special expertise. Regulations limiting participation by Cooperating Agencies to instances when “feasible and appropriate,” as proposed in Planning 2.0, should not be used. Once cooperating agency status is established, it should go beyond project specific comments or participation. State, local, and Tribal governments join the citizens of a planning area as the primary groups that are impacted by BLM planning decisions, and so should be able to participate in the planning process as a Cooperating Agency, regardless of expertise.

Relationship to Interdisciplinary Teams and participation in the process

Input: Treat Cooperating Agencies, including counties, as full members of the interdisciplinary team, which includes providing full access to all information, data, and analysis at the same time it is provided to other members of the interdisciplinary teams. One recommendation specifically requested this for wildlife management, resources, and recreation. Use open access technology so that cooperating agencies have access to the information and ongoing analysis being used in the preparation of the

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document. NGOs should not be given “Cooperating Agency” status with opportunities for early participation in the process, as it diminishes the role of counties as Cooperating Agencies.

Participation in the Planning Process

Input: Provide Cooperating Agencies the opportunity to participate in “kick off” meetings, baseline data collection and report development, provide input into alternatives and other part of document development. Exchange review documents as soon as possible, even if those documents are not complete. Cooperating Agencies should be provided an opportunity to review the final EA or EIS prior to the Decision Record or Record of Decision being issued, concurrent with the Governor’s Consistency Review.

Review Periods

Input: Provide longer review time on draft and final documents. Current windows make it difficult to fully digest documents and understand where the BLM’s analysis should be modified.

Relationship to Coordination Responsibilities

Input: Include consistency review as a part of coordination, as it is not always achieved through cooperating agency status.

Priority of Cooperating Agency Project

Input: Expedite and prioritize projects where local governments are attempting to partner with the BLM to take over some of the land management responsibilities, such as Cooperative Recreation Management Agreements.

Cooperating Agency Guidance

Input: Develop guidelines for cooperating agency relationships collaboratively and with State concurrence.

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Public Rangelands Improvement Act of 1978

Input: Use the Section 8 review process provided in this law, emphasizing the importance of using expert review and overview of a contested project.

Nondisclosure Agreements

Input: Explore opportunities to resolve inconsistencies between BLM’s nondisclosure requirements and State open records or meeting laws.

Public Input

Local and State cooperating agencies

Input: Extend the same working relationship towards local, State, and Tribal governments that cooperating Federal agencies use.

Section 4.6, Tribal Govt. to Govt. Consultation

State, Local, and Tribal Government Input

Value of Consultation

Input: Recognize that the planning and environmental review processes are essential components of BLM’s duty to identify, evaluate, and propose alternatives to any proposed action with the potential to impact Tribal lands or resources, and consult with Tribal stakeholders. Those duties cannot be limited or ignored to increase the “efficiency” of project development. Tailor consultation to meet the needs of each individual Tribe. Build on examples of good consultation. For example, the Southern Ute Indian Tribal Council felt that the interaction with the Tres Rios Field Office should be replicated by other offices.

Timing of Consultation

Input: Provide adequate time when setting deadlines, and be responsive to requests for information. Give the Tribes as much advanced warning as possible of impending processes and make

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sure they have an opportunity to be at the table early on. To do this, the BLM must know the Tribe/Nations area of interests/concerns in order to engage with them early when potential impacts to those interests/concerns are on the horizon. For example, one of the biggest concern is Ancestral remains and archaeological reports, which help Tribes with their history, so the BLM needs to notify Tribes as soon as possible with regard to these issues.

Begin consultation early in the process, during the brainstorming stage, and continue through all phases of the planning and implementation of the proposed action. Coordinate timing for field work with Tribal governments, especially when doing work that may affect subsistence hunting seasons. Hold regular meetings with all Tribes the BLM works with, and inform Tribes when NEPA related policies or procedures change. Participate in quarterly meetings as well as quarterly updates on all projects.

Consultation across BLM Jurisdictions/Ancestral Lands

Input: Address inconsistencies with how different offices interact with Tribes, especially where a Tribe's ancestral lands extend across BLM boundaries into different States.

Staffing of Consultation

Input: Provide Tribes with a single point of contact to provide information on NEPA processes for a region or area. Engagement should be at all levels of the BLM, both resource staff and management.

Deference to Tribal Regulations

Input: Review existing Federal, State, and especially Tribal regulatory schemes in place and defer to those regulations where appropriate.

Participation in the Planning Process

Input: Include local and Tribal government representatives in agency ID team meetings. Include Tribes early in the process, and request a knowledgeable representative to participate. Opportunities to review and comment on stakeholder drafts should be included as part of the consultation process.

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ACHP's Recommendations

Input: Incorporate recommendations from the following ACHP reports into the planning and NEPA process: “Recommendations for Improving Tribal-Federal Consultation” (Sept. 14, 2015), “Tribal Consultation In Infrastructure Projects” (May 24, 2017), as well as the Department of Interior (DOI), Department of Justice, and US Army Corps of Engineers report, “Improving Tribal Consultation and Tribal Involvement in Federal Infrastructure Decisions” (Jan. 18, 2017).

Adequate Protection of Treaty Rights

Input: Streamlining efforts must not bypass environmental protections of any lands, in particular public or Tribal, to allow actions that could have deleterious effects to Tribal hunting and fishing rights guaranteed by Treaty.

Public Input

More traditional outreach methods

Input: Conduct more outreach by phone, mail, and in person for Tribal communities in remote and isolated areas where internet/electronic communication methods are sparse and non-existent.

Section 4.7, Self-Governance and Tribal Sovereignty

State, Local, and Tribal Government Input

ANCSA Corporations

Input: Allow for self-regulation of environmental impacts to the lands of ANCSA Corporations (Alaska). Broadening mitigation requirements to include impacts to air, public health, birds, fish, terrestrial mammals, polar bears, spectacled eiders, cultural resources, and visual resources within the National Petroleum Reserve-Alaska (NPR-A) will increase the burden placed on ANCSA Corporations

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when managing their land. Consider this impact and consider strategies to avoid negative impacts to ANCSA Corporations in their land management strategies.

NEPA Review of Tribal Decisions

Input: Do not apply NEPA to Tribal land use decisions. Because Tribal land use decisions cannot be implemented without Federal involvement, applying NEPA to these decisions creates costs to decisions that may erase meaningful economic opportunities for Tribes because non-Indian lands do not have the same review requirements. Applying NEPA to Tribal land use decisions also fails to account for aboriginal and treaty rights. NEPA also subjects projects on Tribal land to non-Tribal, non-neighbor public comment, which slows down the environmental review process and requires significant Federal resources to respond to public comments.

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Section 5, Improving NEPA

State, Local, and Tribal Government Input

Consistent, streamlined documents

Input: Congress should direct Federal agencies to build consistency in environmental analysis and bring agency practice in conducting EAs more in line with the administrative policy intent of streamlined, summary documents.

Understandable documents

Input: Eliminate all legal terminology from documents. All NEPA-related documents should be condensed for all to read and understand. Supplemental legal treatise can be included, but it should not be necessary to submit comments.

Cooperators

Input: Enhance coordination and consultation with cooperating entities. Involve cooperators in a pre-scoping process and all decision-making meetings.

Change policies

Input: Review and possibly remove recently promulgated policies that increase the time and complexity of certain NEPA processes (e.g., IM 2017-36 Considering Backcountry Conservation Management in Land Use Planning Efforts and PIM 2017-003 The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews).

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Section 5.1, Significance

State, Local, and Tribal Government Input

Significance factors

Input: Do not fill in gaps in regulations on providing for management or planning around a resource with manufactured concepts in policy, such as "wilderness character".

Significance thresholds

Input: Clarify agency guidance in regards to significance thresholds and extraordinary circumstances language based on best practices, and provide consistent approaches. The BLM must be empowered to analyze those actions that truly may have a significant impact.

Prepare more EISs

Input: Prepare EISs to help minimize litigation issues.

Prepare more EAs

Input: Employ better use of EAs rather than EISs.

Public Input

Non-present/unaffected resources

Input: Put much less emphasis on "negative" analysis in NEPA documents, meaning extensive explanations of why specific resources or issues are not present or would not be affected by the proposed action.

Input: Analysis should focus only on resources where significant impacts might occur.

Oil and gas/Permitting and leasing

Input: Do not analyze oil and gas leasing until specific proposals are received.

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Input: Use the Limits of Acceptable Change model in RMP's to provide a gauge as to when additional NEPA would be required for new or renewed permitted activities. Renew permits that have been ongoing and do not present significant impacts without new NEPA analysis.

Section 5.2, Decision-making

State, Local, and Tribal Government Input

Decision-making at State and Field Office level

Input: Provide for more decision-making at the Field/State BLM offices rather than centralizing those decisions to DC. State directors need to be given responsibility for RMPs and independent authority to respond to issues that are unique to individual States. Decisions should be made by BLM employees who are closest to the ground and therefore have the greatest understanding of who their decisions will impact, the affected environment, and the surrounding socio-economic conditions. The farther up past the Field and District Office in the BLM (or DOI) these responsibilities lie, the more likely an RMP will lose the on-the-ground expertise and local participation.

RMPs at Field Office or District Office level

Input: Make the Field Office or District Office the default planning area for RMPs, rather than landscape-scale planning. Data used for planning decisions at large landscape scales is often insufficient to provide accurate impact analysis.

Elevate decision-making only if there are disputes

Input: Provide local offices the authority to make decisions. If there is a dispute between the local government and the local BLM office, the matter could be elevated to the BLM State Director. If there are no agreements, the BLM Director should have the final authority to adjudicate the matter.

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Public Input

Recreation

Input: Have a transparent decision-making process in regards to impacts of alternatives on existing, legitimate, historic and popular recreational activities.

Local Decision Making Authority

Input: Make planning regulations at the State levels with built in flexibility to meet the individual State and county situations, instead of at the Washington level.

Allow for flexibility for local Field Managers to make decisions without the input of the Washington or District offices.

Decision Making Transparency

Input: Have decision making processes demonstrate to the public that a balanced, impartial approach is being used.

Justify BLM actions and analyses by saying and showing why certain decisions are being made.

Section 5.3, Adoption of non-Federal NEPA documents

State, Local, and Tribal Government Input

Input: Consider modifying NEPA regulations to allow the BLM to adopt state environmental documents for similar or related actions. This would avoid duplicative analyses, additional delays, and costs.

Section 5.4, Cumulative effects

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Public Input

Adaptive Management

Input: Use adaptive management to prepare for unforeseen future events.

Historical Usage

Input: Assume that the historical usage of an area will be continued unless a credible scientific basis/quantifiable social trends can be provided to prove otherwise.

Section 5.5, Timelines

State, Local, and Tribal Government Input

Timelines for completion of NEPA documents

Input: Reduce permitting and review time for projects to three years, without sacrificing protections for wildlife, natural resources or environmental resources. Comply with statutory timelines. For example, BLM is required by law to review oil & gas permit applications within 30 days, but the current average is over 200 days. Expedite local government R&PP applications for BLM “disposal” properties. Require a one-year maximum time frame for completion of NEPA documents for RMPs and RMP amendments. The longer the process takes, the more likely that data will become obsolete.

Limit internal review timelines

Input: Commit to expeditious and efficient internal reviews of documents to avoid delays, rather than reducing the comment periods for the public and Cooperating Agencies. The biggest delays are caused by extended internal reviews by the BLM, particularly at the State and National levels.

Set timelines for Federal agency reviews

Input: Limit Federal agency reviews of environmental assessments to 30 days.

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Retain or extend existing timeframes for comment

Input: Ensure that the BLM planning process and environmental reviews allow for formal public comment periods that provide adequate time to analyze and gather meaningful review and feedback. Any process that reduces BLM's responsibility to actively inform the public of its actions represents a retreat from openness and transparency. Reducing public comment periods may appear to reduce the process timeline, but more often leads to additional conflicts, appeals, objections, and litigation, delaying the overall process and implementation of decisions. The amount of time for comment periods should be commensurate with the size of a document. 90 days is usually not adequate for a 1,000+ page RMP/EIS.

Make sure to address concerns from Tribal governments about any shrinking of opportunities to communicate with the BLM on projects, for example, shorter comment periods or fewer updates, given that NEPA review periods are an opportunity for Tribes to decide when they want government-to-government consultation.

Limit timelines for comment period

Input: Limit public comment periods to the number appropriate to the issues or level of controversy. Do not extend comment periods to allow opponents to delay a decision which will likely be appealed regardless of the comment periods.

Project management

Input: Develop metrics for successful outcomes including cost and time performance indicators. Provide project timeline guides such as a Gantt chart, timeline, or flowchart of each step of the process with dates for each meeting and milestone. Publish the expected cost of the studies and time frames prior to taking action. Increase the level of detail contained in Cooperating Agency agreements to include an anticipated schedule and specify the Cooperating Agencies' expertise or authority to identify which stage of analysis or review the expertise is most-needed.

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Public Input

Environmental Assessments

Input: The Secretary or Director must prescribe that time limits will be determined at the start of the NEPA process, and time limits adhere to the 3-month EA and 12-month EIS expected timelines described in CEQ guidelines.

Input: Adhere to the CEQ's Guidelines concerning EA review periods, which States that EAs should be completed within three months.

Input periods

Input: Fix the public comment period for environmental assessments (not EIS's) to no more than 30 days.

RMPS and Revisions

Input: Clearly identify new issues, resources, or scientific findings that arose after the existing RMP was adopted when starting a RMP revision process.

Input: Keep RMP revisions every fifteen years to better utilize staff time.

Input: Have a new LUP process be developed that is limited to 150 pages and takes only a year to develop.

Input: Try to stick to the following timeframes for working on RMP documents:

- 6 to 12 months for a project-level amendment
- 18 to 24 months for a multiple issue amendment
- 2 to 4 years for a programmatic amendment that amends multiple plans
- 3 to 5 years for a full plan revision

RMP Input periods

Input: Extend comment periods for Draft RMPs to 100 days, and reduce amendment comment periods to 60 days.

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Third party environmental information

Input: Accept submittals of environmental information prepared by third parties at the request of an applicant where this meets the requirements of 40 C.F.R. § 1506.5), in order to expedite environmental reviews required for permit issuance.

Oil and gas

Input: Prioritize timely completion of oil and gas leasing and permitting decisions, and reorganize BLM staff and other resources accordingly.

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Section 5.6, Page Limits

State, Local, and Tribal Government Input

Set page limits for planning and NEPA documents

Input: Limit RMPs to 50 pages and environmental assessments to 15 pages. (Alternatively, use limits in CEQ regulations: limit EISs normally to 150 pages or 300 pages for proposals of unusual scope or complexity).

Do not set page limits for NEPA documents

Input: Match the size of the NEPA analysis to the size of the project. One size does not fit all.

Section 5.7, Local Issue Analysis

State, Local, and Tribal Government Input

Focus on local effects

Input: Improve the analysis for RMPs of effects to State and local governments and communities. Local governments, communities, economies, customs, and culture are most impacted by changes in Federal land management. Assessing impacts at the local level is necessary and appropriate and should be required.

Focus on socio-economic analysis

Input: Provide greater consideration of socio-economic effects on rural communities.

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Focus on micro-economic analysis

Input: Micro-economics are important to distinguish and discuss for local governments.

Non-market value analysis

Input: Keep analysis of non-market values realistic. Do not accept subjective and over-estimated economic values of ecological functions over objectively measurable economic values of resource development.

Public Input

Regional vs. Local planning

Input: Ensure that regional planning targets regional issues to streamline more localized planning, and avoid issues beyond the scope of regional planning. In other words, regional planning can streamline local planning, but not serve as a replacement for it.

NEPA analysis on lands not designated for closure

Input: Do not perform any NEPA analysis on lands in the planning process undesignated to be closed until either BLM or the public has an application to use the lands.

Small mine projects

Input: Do not overly burden small mine projects with paperwork and long timelines, to the extent large mining operations are, so they can better contribute to local economies.

Actual use

Input: Management of public land must reflect the actual uses by visitors.

Known existing information

Input: Collect known existing information about a planning area before initiating decisions about resource allocations.

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Transference of unneeded land to Local counties

Input: Transfer lands to the local county if they are (1) not regenerating income (grazing, mineral leases, etc.) or (2) providing a significant benefit to big game, or rare species (plant/wildlife) or (3) the location of cultural resources. As an example, there are quite a few isolated small squares (1/4 mile on each side) of BLM managed land in western Colorado. These squares are often inaccessible to the public because they are completely surrounded by private property.

Section 5.8, Mitigation

State, Local, and Tribal Government Input

Develop mitigation with the Governor

Input: Develop mitigation requirements and processes that may affect State and private land in cooperation with the Governors in whose States BLM lands are situated.

Public Input

Equal mitigation for all resources

Input: Ensure that any non-oil and gas actions being permitted on public lands are given the same amount of treatment and mitigation measures as oil and gas leasing under NEPA.

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Section 6, Use of Categorical Exclusions

Section 6.1, Existing BLM CXs

State, Local, and Tribal Government Input

Vegetative treatments to reduce risk of wildfire

Input: Amend the existing categorical exclusion (CX) for vegetative treatments less than 1,000 acres (Handbook, App. 3, 1.12 at 146) and/or the CX for vegetative treatments during ongoing wildfire events in order to provide permission to BLM land managers and fire staff, working with appropriate state agencies, to undertake proactive wildfire-related, risk abatement measures in extraordinary circumstances that are not necessarily constrained by acreage caps, treatment types, or left-in-place mitigation measures.

Section 6.2, New CXs

State, Local, and Tribal Government Input

Consider new CXs

Input: Expand CXs to include actions that are frequently approved and found to have little or no environmental impact.

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CX for Vegetative treatments to reduce risk of wildfire

Input: Create a new CX to provide permission to BLM land managers and fire staff, working with appropriate state agencies, to undertake proactive wildfire-related, risk abatement measures in extraordinary circumstances that are not necessarily constrained by acreage caps, treatment types, or left-in-place circumstances.

Input: Establish a CX for moving cattle to non-used pastures as a fuels management measure, and emergency postfire seedings for watershed protection and erosion controls that hit the critical planting windows.

Range Improvement CX

Input: Create a new CX for range improvements, similar to wildlife habitat improvement project CXs, consistent with ecological site descriptions and rangeland health.

Grazing Permit Renewals

Input: Re-establish grazing allotment permit renewals as a categorical exclusion, as long as permittees are meeting land health standards.

Vegetative Improvement CX

Input: Create a new CX for vegetative improvements consistent with ecological site descriptions and rangeland health.

Statutory CX for landscape-scale restoration projects

Input: Create, through Congress, a limited and short-term CX under NEPA to expedite work in pilot landscape-scale restoration projects envisioned over geographies greater than 100,000 acres, while environmental analyses are being developed. These CXs should be available for use at the agency's discretion provided the analyses achieve defined progress milestones.

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Statutory CX for restoration project

Input: Create, through Congress, a new NEPA restoration CX that is based on Agency decisions documented in a Decision Notice and FONSI over the past five years where no significant impacts to the environment occurred. Project activities could include commercial and noncommercial timber harvest, hazardous fuels removal projects, prescribed burning, post-fire restoration and herbicide use.

Temporary non-renewables

Develop streamlined Temporary Non-Renewables (TNR) for grazing of excess fine fuels, and invasive annual grasses outside of grazing permit dates, terms, and conditions.

Public Input

Drilling Pads

Input: Utilize categorical exclusions for < 5 acre disturbances which include drilling pads.

Geothermal exploration and casual use

Input: Establish CXs for general geothermal exploration and Casual Use activities.

Small scale and common activity projects

Input: Work with CEQ to expand the list of available CXs (and statutory CXs) for small-scale projects, such as localized erosion control, noxious weed control, and fuel reduction projects.

Input: Consider more categorical exclusions for common activities.

Seasonal use of Categorical Exclusions for various actions

Input: Take into consideration whether season or size limitations would allow uses that currently do not fall within a Categorical Exclusion to fit within that category. For example, analyze whether an activity during the winter would fit within a CX even if it does not during spring or summer.

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Section 7, Targeted Planning Rule Changes

Section 7.1, Plan amendments process

Public Input

New Recreation activities

Input: Ensure that RMPs provide appropriate levels of documentation without requiring extensive amendments/NEPA for new recreation activities similar to existing authorized activities.

Section 7.2, Plan revision process

State, Local, and Tribal Government Input

Input: Conduct a review every 15 years to analyze the current circumstances and decide when the Plan is likely to need updating. Include adaptive management, so changes could be addressed as necessary by using the public processes. That will reduce LUP amendments from individual projects, preventing the process from being delayed. Also allow planning processes that are currently underway to continue without implementation of significant new or revised policy directives that have not been publicly-vetted.

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Section 7.3, Plan maintenance

State, Local, and Tribal Government Input

Public involvement prior to plan maintenance decisions

Input: Amend section 1610.5-4 [input cited the section 1610-6-5 of the revised regulations, which were rescinded] of the BLM's planning regulations to allow the BLM to have discretionary dialogue and solicit feedback before making plan maintenance changes. The determination for public engagement would depend on the context of the potential maintenance action.

Higher level, less detailed planning

Input: Rely primarily on policy, which should provide direction in enough detail to guide managers and be nimble enough to respond to change. This will reduce the need for more detailed planning. A list of policies would help the public to very quickly understand BLM's management direction.

Section 7.4, Areas of Critical Environmental Concern (ACECs)

State, Local, and Tribal Government Input

Economic effects on State trust lands

Input: Avoid decisions during the planning process that will have negative economic impacts on State trust lands and assets. Isolated State trust lands or minerals are often surrounded by BLM-managed lands, so BLM decisions on these lands can affect the access to and activities on those lands. (e.g. an ACEC designation can render State trust assets worthless depending on the highest and best use of the State lands.) Keep in mind that an ACEC is the only administrative special designation authorized by FLPMA. Policy borne designations such as Lands with Wilderness Characteristics and Backcountry

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Conservation Areas introduce additional layers of bureaucracy to federal lands and complicate the planning process.

ACECs designated by RMPs

Input: Eliminate the designation of ACECs during the planning process, and let individual RMPs consider ACECs and balance them with other areas and uses. The Congressional multiple use standard required in FLPMA is violated by the inclusion of the ACEC process.

Nomination time period for ACECS

Input: Establish a specific nomination period for ACECs at the beginning of the planning process, and do not accept nominations after that timeframe has ended. Nominations received outside the planning process that are determined necessary and not addressed by management prescriptions identified in the current plan or other regulatory authorities can be considered in a plan amendment.

Do not reduce ACECs

Input: Maintain, and do not reduce, weaken the current ACEC designation as a tool for management. One of the goals and objectives of BLM's planning processes should be to maintain healthy wildlife populations within any permit area, and to use the current FLPMA language about "managing for sustained yields," to also mean managing for sustained watchable and harvestable wildlife, and the habitat needed to do so.

ACECs, ANILCA, and Alaska BLM

Input: Do not designate any more ACECs on Alaska BLM land. The "no more" clause in the Alaska National Interest Lands Conservation Act (ANILCA) is clear. Alaska BLM should not allowed to create de facto wilderness areas by designating additional ACECs. More than enough land (through various federal agencies) has been designated to responsibly protect the environment. Alaska BLM also needs to focus on developing our economy.

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Public Input

ACECs designated by RMPs

Input: Have ACECs only be created by RMPs, with critical concerns, rehabilitation measures, and targets for completion of mitigation.

Section 7.5, State and Local Plan Consistency

State, Local, and Tribal Government Input

Add local, county, and Tribal governments to governor's consistency review

Input: Revise BLM planning regulations (43 CFR 1610.3-2) to include local, county, and Tribal governments, in addition to Governors, in the consistency review. Excluding local governments from the consistency review essentially negates FLPMA's recognition for consistency of local plans and the importance of local government's role. By limiting interaction to State government only, BLM avoids giving weight to local, county, and Tribal plans. Close this gap to fulfill FLPMA's original intent.

Benefits of consistency with local plans

Input: Local plans and policies undergo a planning process, so greater consistency with them would create fewer surprises because the public would already know the management direction. Litigation is more likely to be successful in the government's favor when BLM, State, and local interests are on the same side. Consistency will also eliminate litigation from State or local entities.

Make sure to consider officially adopted land use plans that BLM needs to recognize, even if some jurisdictions' plans may not be actually labeled "land use plans. Many such plans are adopted as policy plans (more often than programs) by local and State governments and deserve the same consideration as any official "land use plan."

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Adopt specifically directing BLM State Offices and Field Offices to develop documents that incorporate and are consistent with County Resource Management Plans and direct BLM officials as to the meaning of the term “to the maximum extent.”

Acknowledge that local governments have other authorities than land use planning, such as protection of public health, safety and welfare, and environmental and wildlife protection considerations.

Review, consider, and incorporate programs and recommendations of state and regional comprehensive planning efforts, data, and analyses (i.e., State Wildlife Action Plans, North American Waterfowl Management Plan, Western Association of Fish and Wildlife Agencies Crucial Habitat Assessment Tool). This will help with the BLM planning process and eliminate the duplication of already generated data and analyses. Also use the environmental analyses and proposals of state agencies with jurisdiction by law or special expertise, to the maximum extent possible. Incorporate State species designations developed and defined within State Wildlife Action Plans, mandated by Congress and approved by the USFWS. Use State plans to inform management decisions on public lands including state Species of Greatest Conservation Need & Species of Economic and Recreational Importance.

Baseline Records

Input: Any base-line records from local plans to BLM should be accepted, and analysis should be revised and tracked to where there are delays. The follow criteria should be followed while considering baseline records:

1. Make counties equal partners in addressing base-line records
2. Have a seat at the table for counties
3. Ensure a principled consistency review, according to FLPMA
4. Develop a metric illustrating the counties’ consistency (in a chart form) with the existing RMP.
5. Accomplish this before the Governor’s review, so that requirements can be met

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Planning Summary at beginning of planning process

Input: Require Field Offices prior to the planning process to work with local county governments on their local planning effort and provide a summary document to the planning shop in WO. prior to initiating the plan process. This document would show how the county plan ties into public land management within the county. The summary could even be signed by both BLM Field Manager and County Chairperson/Manager. This would potentially be a big workload as some field offices have multiple counties within an RMP area but it would definitely build relationships and understanding on both sides.

Supremacy of BLM policy

Input: Revise BLM planning regulations (43 CFR 1610.3-2) to delete phrases that say Federal policy might preempt State and local government plans and programs. Revise it to be consistent with current law, which says that State and local government plans can only be superseded by inconsistent Federal law (not policy). Adopt local plans in their entirety whenever possible.

Documentation of plan inconsistency

Input: Review local government plans, policies, programs and documents for the consistency review, and explicitly State in the EIS/EA why a different action was taken (as required by FLPMA).

Adequate time for Governor's consistency review

Input: Require the BLM to meet with local governments early to discuss the preliminary planning and direction, to help with consistency.

Input: Allow local government Cooperating Agencies the opportunity to review the final documents in parallel with the Governor's consistency review period by allowing half of the review time. For example, if the Governor has 60 days to review the local governments should have the first 30 days of the 60 days to conduct a review.

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Consideration of unique land needs

Ensure that FLPMA and BLM planning considers the unique and different needs of individual areas of land.

Landscape Approach in using local land use plans

Ensure that a landscape approach is designed to create balance between local input and managing for the whole, ensuring that local land use plans, local economies and economic impact don't get lost in the process. A "landscape scale" approach to resource planning is beneficial as a means of acknowledging larger, functioning ecosystems and how they define landscape, allowing systems and resources to be analyzed as a whole rather than fragmented.

ANILCA

Clarify how consistency with other Federal and State lands is evaluated and achieved, pursuant to FLPMA, and for Alaska, ensure the balance achieved by Congress in ANILCA is factored into the decision.

Public Input

Advisory Council

Input: Create an advisory council up of county officials and resource interests found in the planning unit for each planning area to provide counsel and advice during the planning period.

Input: Develop planning objectives from FLPMA/other laws and regulation to be refined by the individual planning advisory councils.

County/Local Plan Assistance

Input: Assist local counties to include natural resources in their county plans, since they do not have the capacity to fully participate in the planning process.

Input: Provide natural resource data to counties for inclusion in their plans.

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Input: Automatically make local government a partner in the planning process, and consider local plans before imposing Federal plans, which would conflict with local planning.

Planning Liaison

Input: Assign a BLM representative as a planning liaison for each RMP to Tribes and local government.

Section 7.6, FLPMA

State, Local, and Tribal Government Input

State/Local coordination process

Input: Conduct a separate and distinct true coordination process with State and local governments with an exchange of information going both ways. This will improve the BLM planning and implementation process by: (1) reducing the time to finish plans and take action; (2) reduce expenses imposed on the BLM and local governments; (3) be more responsive to local needs; and (4) use knowledge of local government and people who have lived in the area for years. If BLM carries out coordination as prescribed by FLPMA, the planning process would be efficient, action-oriented, and productive.

Include basic statutory designation of lands in purpose and need statements.

Ensure that in the BLM Planning Handbook, on page 5, referring to 'Coordination,' contains all 6 points of FLPMA, instead of only the 2 currently listed.

Regularly and proactively implement existing authority under Section 202(c)(9) of FLPMA, which directs the Secretary of Interior to coordinate BLM land use planning and management with land use planning and management by State and local government entities within which the BLM lands are located, and to provide early notice of, and opportunities for input on, proposed BLM land use decisions affecting non-Federal lands. Currently, this does not occur on a consistent basis, with adverse consequences for local government.

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Ensure that alternatives focus more on multiple-use and sustained-yield goals, specifically the principle or major uses defined in FLPMA.

Require, through proposed regulations, sustained levels of principal or major uses be addressed throughout the planning process. Principle or major uses under Section 103(I) of FLPMA include domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production. Through FLPMA, it is clear that Congress intended that BLM planning place priority on the principal or major uses. Such intentions for multiple use and more than one use on individual acres has been upheld in case law. Reaffirm this principle in policy and management handbooks.

Section 7.7, Smaller Scale Planning

State, Local, and Tribal Government Input

Eliminate one-size-fits-all/landscape planning approach

Input: Decisions should be made by Field Offices in conjunction with the State Office, not by a Regional Director in Salt Lake City or Denver. Return to discrete decision areas or “fit-for-purpose”. FLPMA doesn’t support landscape planning. Meaningful State and local government involvement is severely diluted when the amount of material and complexity of issues spans a "landscape" drawn by Washington Office. Manage specific to soils, precipitation, climates. Broad landscapes lose the specificity and inhibit good public land management.

Factors creating disproportionate analyses

Do not focus on guidance and internal initiatives that create disproportionate analyses and planning or NEPA document “real estate.” Some examples that create disproportionate analyses include

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Lands with Wilderness Characteristics, Areas of Critical Environmental Concern, Rapid Ecoregional Assessments, Grazing Permit Retirement, and Wild Horses and Burros.

Default planning level should be Field or District

Ensure the local BLM level (no greater than the District level) continues to serve as the default level of analysis and decision making for BLM planning and implementation activities. Anything planned at a higher Office level dilutes local voices and input in the planning and management process. The ‘landscape level’ often becomes counter to local focus and needs.

Focus on local effects and data

Emphasize all programs to focus on local implementation based on natural resource concerns. While the landscape scale approach does have its place in planning, the focus should be at the local level utilizing local relationships. Landscape-scale management that encompasses a large geographical area rely on broad sweeping data sets that fail to include the best available science data or local areas. Most effects take place within one-half mile of the surface disturbance.

Length and time of planning process interfering with State land selection/disposal

Focus planning and decision-making at the local level, allowing more consideration of local concerns and priorities, and a faster, more stream-lined schedule. The current Management Plan Amendment and NEPA process are so time-consuming, and involve so many levels of review that States are restricted on participating in land selections; selecting anything not on the Disposal Lands List would not allow time for review during the term of a State Land Commissioner.

Ensure staff have more time in the field

Find ways to reduce the paperwork load associated with large planning efforts that limit personnel's time in the field.

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ANILCA and determining size of planning areas

Input: Consider legislation, such as ANILCA, to "right-size" planning areas so that plans are understandable, and the needs and interests of state and local governments and the public are properly evaluated and considered.

Resource-specific supplement to alleviate size of a planning document

Develop a short guide to an RMP that explains how fish, wildlife, and parks can be considered for BLM oil and gas lease sales within the context of the RMP. The length of RMPs makes it difficult to provide effective input on BLM projects and environmental reviews. For example, it can be challenging to provide effective comments on an oil and gas lease sale without understanding the limitations and scope of the RMP. This would help state fish and wildlife agencies tailor comments on oil and gas lease sales to fit within the scope of the RMP and would likely reduce the number of comments that need to be reviewed by BLM staff.

Recognize expertise of State/Local governments

Input: Recognize and utilize State and local governments' abilities to identify and define the scope of the land area. The States of Wyoming and Colorado map the sage-grouse population via their game and fish commissions/departments using local data from counties and conservation districts. The BLM State Office can use this data to work with States and Counties to determine if there are distinct populations that can be managed separately, or if there are several different planning units.

Allotment Management Plans

Input: Reinvigorate Allotment Management Plans (AMP) as local-based tools to manage and address grazing allotment issues and concerns. Local governments must be engaged and involved in AMP development and implementation.

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Section 7.8, General

State, Local, and Tribal Government Input

Policy change requirements

Input: Amend §1601.0-4 of the BLM’s Planning Regulations so agency guidance or policy changes must require public notice and comment, and must conform to FLPMA.

Supremacy of BLM policy

Input: Revise the BLM planning regulations to remove the language that equates BLM policy or guidance with Federal law. Giving BLM policy the weight of Federal law allows it to override State and local government plans, which violates the plain language of FLPMA.

Federal Register Notice requirements

Input: Retain existing requirements to publish a Notice of Intent to prepare an RMP at the start of every planning effort. Add a requirement to publish a NOI to prepare EA-level plan amendments.

Level of detail in RMPs

Input: RMPs should be only detailed enough to provide a framework for project-level decisions. Things change on the ground so planning documents that are too detailed become dated very quickly. RMPs should be of sufficient detail to allow all forms of public land uses to proceed without multiple and duplicative NEPA analysis.

RMP boundaries

Input: Retain current RMP District boundaries.

Ensure adequate socioeconomic analysis for new planning rule

Input: Conduct a full environmental and socioeconomic impact analysis, to ensure a full range of planning process alternatives prior to enacting a final rule. It is unreasonable and a suspension of common and legal sense to assert that the proposed rule will have no significant effect on the human environment.

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Public Input

USFS 2012 Planning Rule

Input: Conduct public outreach for the new planning rules similar to how the USFS developed their 2012 Planning Rule, where extensive public input was obtained with dozens of public meetings throughout the Country.

Easy to follow processes

Develop processes that are publicized and easy to follow. Eliminate the ambiguity and subjectivity. It will help local governments and BLM staff.

BLM Policy

Input: Have all Field and State Offices be consistent with BLM policy.

Term Permit Renewal time periods

Input: Change term permit renewal timelines from 10 years to 20 years.

**Section 7.9, Prioritization of comments from local elected
officials and local public**

State, Local, and Tribal Government Input

Input: Ensure that the BLM planning and NEPA processes give deference and a strong bias towards use and selection of local, user and stakeholder coordinated initiatives.

Ensure deference and inclusion for private local landowners.

Do not pander to special interest groups. Relegate special interests to their proper place as commenters, not negotiators.

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Give deference and a strong bias towards use and selection of local, user and stakeholder coordinated initiatives (i.e., Coordinated Resource Management, Nevada Collaborative Conservation Network).

Amend Appendix A, Page 1, Principle #2, of the Land Use Planning Handbook to recognize that local citizens know the land better than distant interest groups not directly impacted by land use decisions. Prioritize the public values of local people who live near a planning area, and depend on the multiple use and sustained yield of the area's natural resources. Nothing should elevate the status or influence of non-governmental organizations or the general public above that of an elected official or cooperating agency. Note that local elected officials represent a higher level than the general public because of their land use authority and responsibility to represent their counties.

Section 7.10, Recreation

State, Local, and Tribal Government Input

Recreational Shooting

Input: Recognize recreational shooting as an appropriate and publicly valued activity under federal multiple-use mandates, and cite the importance of hunting and recreational shooting as a gateway to hunting (Executive Order 13443). Include EO 13443 in all planning documents and direct agencies to 'Increase structured hunting programs and recreational shooting opportunities as a means of achieving a net increase in federal land hunting'. Include reference to Pittman Robertson funding (derived from firearms and ammunition sales) that provides for wildlife and habitat conservation on public lands.

Input: Define dispersed recreational shooting as "any shooting that is carried out in a legal and safe manner, does not cause resource damage, and does not result in litter" to distinguish between responsible target shooting and irresponsible recreationists engaging in illegal activities including

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littering, poaching, and intentional destruction of vegetation. Further restrictions and/or elimination of areas due to a minority of offenders does not provide a balance of multiple-use and directly impacts responsible shooters.

Camping

Input: Analyze all impacts to the public's ability to access and camp on BLM land as a result of overarching planning decisions including, but not limited to all land use allocations, recommendations, prescriptions, or designations. The planning rule should direct BLM to minimize camping restrictions that may lead to a shortage of available camp sites affecting the ability and/or willingness of lawful users to hunt and fish on their public lands.

Recreational use of wildlife

Input: Include State Game and Fish Departments' need to actively manage wildlife as a primary component and/or priority characteristic of any special land use designation including, but not limited to: national monuments, recreation management areas, Recreation Opportunity Spectrum allocations, wilderness, and recommended wilderness.

Recreational use of wildlife and special land use designations

Input: Fully analyze the cumulative impacts of further loss of public lands that provide for multiple-use and wildlife related recreation and economic opportunities prior to recommending or approving special land use allocations and designations. The Multiple Use Sustained-Yield Act of 1960 and the Federal Land Policy Management Act of 1976 prohibit Federal Agencies from affecting the State's jurisdiction/responsibilities. Managers of public lands are mandated to provide multiple-use recreational opportunities on public lands to present and future generations.

Analyze and minimize negative impacts to wildlife related recreational access in special land use designation areas and provide for development of alternate access routes when existing designated access routes are closed across private land.

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Public Input

Recreational Shooting

Input: Allow private parties to develop public shooting ranges; it would be an efficient use of resources and partnerships with local citizens.

USFS NVUM model

Input: Adopt the USFS National Visitor Use Monitoring (NVUM) model and conclusions.

National Trails

Input: RMPs should better integrate national trails.

Section 7.11, Wildlife

State, Local, and Tribal Government Input

Special land use areas for wildlife

Input: Analyze and minimize impacts (including use of motorized/mechanized equipment) to a State's ability to manage wildlife in recommended/designated special land use areas for:

- Species introduction/supplementation/translocation
- Survey/monitoring
- Capture/markings
- Research
- Sampling
- Radio telemetry
- Stocking
- Stream renovations and barrier construction/repair
- Wildlife waters construction, redevelopment, maintenance, monitoring and water delivery

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- Habitat enhancement/creation/restoration
- Fencing/removal
- Prescribed fire
- Angling and hunting
- Trapping
- Emergency management
- Law enforcement
- Nonnative species or predator control
- Big game retrieval

Concurrence between BLM and State wildlife agencies

Input: Demonstrate the mutual agreement/concurrence of the state wildlife agency and USFWS for all fish/wildlife conservation, protection, and management plans. (Ex. ‘The Secretary of the Interior, acting through the Director of the U.S. Fish and Wildlife Service and the head of each appropriate State fish and wildlife agency for the State in which the public lands are located, shall develop a comprehensive plan, reflecting mutual agreement regarding conservation, protection, and management of fish and wildlife resources for conservation and rehabilitation programs to be implemented on public land under his jurisdiction.)

Species of Greatest Conservation Need/Economic and Recreational Importance

Input: Include Species of Greatest Conservation Need (SGCN) and Species of Economic and Recreational Importance (SERI) within planning documents in an analysis of effects to such species. If the proposed action in the NEPA analysis potentially adversely affects any wildlife species, the responsible Federal official must make the relevant information available to the public and inform decision-makers and the public of a reasonable alternative to avoid or minimize those impacts.

Section 7.12, O & C Act

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State, Local, and Tribal Government Input

Economic-purpose land use designations

Input: While the vast majority of BLM lands are multiple use lands, some specific areas have been designated by Congress for particular uses, such as for preservation or other non-economic uses, or for economic uses. The BLM planning rules should be modified to clearly identify all economic-purpose land use designations.

Specific to the Oregon and California Railroad (O&C) lands and Coos Bay Wagon Road (CBWR) lands, Congress specifically preserved the dominance of timber production on the O&C lands and CBWR lands in section 701(b) of FLPMA, which says that "[n]otwithstanding any provision of this Act [FLPMA], in the event of conflict with or inconsistency between this Act and the ... [O&C Act and CBWR Acts], insofar as they relate to management of timber resources, and the disposition of revenues from lands and resources, the latter Acts shall prevail." The BLM planning rules should specifically recognize the dominant use requirements of the O&C and CBWR Acts.

Acknowledge in the BLM planning process the direction given by Congress for the management of O&C and CBWR lands. The O&C Act sets an absolute limit to the BLM's discretion to lower annual harvest levels in order to achieve the secondary uses identified in the O&C Act and to achieve the goals of the ESA. The planning rule should recognize this limitation that in no event may the BLM lower harvest levels below 500 million board feet (mmbf) per year.

The BLM planning rules should be revised to clearly define the scope of discretion under the O&C Act with regard to the BLM's recovery and jeopardy avoidance obligations under the Endangered Species Act.

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Section 8, Planning Handbook Updates

State, Local, and Tribal Government Input

Input:

- Adopt the definition for "coordination" from WCCA's June 23, 2017 letter, with 'consistency' relating to policies and programs removed.
- Amend section 1610.6-5 to allow dialogue and feedback before changes are made to an approved RMP. Notify the public prior to making changes, and allow review 30 days prior to the changes' implementation.
- Provide consistent administrative review periods by allowing Cooperating Agencies to specific identified review periods that are standardized depending on the scope of the document(s) requiring review.
- Utilize the AMS to evaluate the management actions that worked in the previous RMP and those that did not, and use this information to frame the scoping and the new RMP.
- Define the term 'affected citizen,' the term used by Congress in FLPMA, referring to individuals who can protest a part of an LUP.
- On page 12 of the Planning Handbook, the paragraph under "goals": In the second to last sentence, the narrative incorrectly conveys that BLM has the right to develop "goals" for lands "influenced" but not owned by the BLM.
- On Pg. 7 of Appendix C, under (F), Wild Horses and Burro's, the narrative incorrectly conveys that the LUP may designate an existing HMA as a horse or burro "range" that excludes legally adjudicated livestock. The Planning Handbook should never convey that the BLM has authority not granted to it by Congress on ANY subject.

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Section 8.1, State and Local Govt. engagement

State, Local, and Tribal Government Input

Participation of State & Local Government on Interdisciplinary Teams (IDT)

Input: Allow State & local Governments to substantively participate in the decision-making process as core ID team members. Primarily, focus on socio-economic information that can be provided early in the planning process by State & local Governments.

Cooperating Agency vs. Coordination as defined in the Planning Handbook

Input: Correct the language in the BLM Land Use Handbook that mistakenly identifies ‘Cooperating Agency’ as being a stronger tool than ‘coordination.’ More importantly, this causes the agency to fail to fully understand the coordination mandate placed on them by Congress.

Consideration of Existing State and local Plans

Input: Emphasize BLM authority under 1601.0-5 (c) to adhere to terms, conditions and decisions in approved and adopted resource related plans.

National Monument boundaries

Input: Do not designate boundaries around national monuments prior to contact with local and State governments.

Rule and regulation development at the local level

Input: Allow local governments to work with State BLM offices on improvements to rules, regulations and policies and then have the State Offices report the recommendations to the DOI in Washington, DC.

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Section 8.2, Split estate actions

State, Local, and Tribal Government Input

Input: Use bonding or eminent domain provisions to resolve when a surface use agreement cannot be negotiated. Also, provide deference to landowners and their surface use agreements with Federal mineral lessees as much as possible or where management decisions are not contrary to Federal law.

Section 8.3, Adaptive management

State, Local, and Tribal Government Input

Consistent use of Adaptive Management Policy

Input: Develop specific policies and procedures on use of adaptive management (e.g. rangeland adaptive management procedures). Incorporate into the Land Use Planning Handbook.

Input: Pg. 12, last paragraph: The example shown here is inappropriate for inclusion in a LUP. The example is appropriate under the use of "adaptive management" by a local BLM authorized officer after the guidance LUP is completed. An EA or CX would be an appropriate NEPA document for this type of proposal. Also, in the last sentence on this page, the narrative clearly mis-represents the relationship between the BLM's Land Health Standards and resource "objectives". BLM's Land Health Standards are "qualitative", not "quantitative" as are objectives by definition.

Section 8.4, Public engagement

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State, Local, and Tribal Government Input

Provide more opportunities for public engagement in the planning process

Input: Provide more opportunities to the public for reviews and input prior to the creation of the BLM preferred alternative and the release of the draft EIS or RMP, preferably prior to the creation of the agency preferred alternative. This will better reflect management concerns of the public, NGOs and commercial and industrial stakeholders.

Clear expectations of the public's role

Input: Allow the public to more influence the planning process, and be clear and concise what is expected both of the agency and the public's involvement in planning. Be more transparent and allow the public to more actually guide the planning process.

Educate the public about EIS-level Plan amendment processes

Input: Subject an EIS-level Plan amendment to a full Planning process cycle, including development of a planning assessment and alternatives, and inform the general public about the process for amending a Plan's components, or Goals and Objectives, once it's been adopted.

Ensure BLM had appropriate staff to complete development of RMPs

Input: Keep the completion date of RMPs on schedule by hiring replacement staff (e.g. project leads) and any other key resource personnel that are necessary to get the job done.

Federal Register Notices

Input: Continue to use the Federal Register as the outreach method for notification or to request public involvement, including public review of documents and public meetings, when initiating public involvement with a time limit.

Improved Planning Websites

Input: Commit to maintaining a reliable, updated, and publicly accessible planning site for each BLM State Office, containing an updated Schedule of Proposed Actions, all of the documents and plans

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currently open for public review, and announcements about upcoming meetings/webinars. The current websites do not meet these needs for public engagement.

Follow ACHP's example

Input: Look to the Advisory Council on Historic Preservation (ACHP)'s regulations as a guide to how to be more proactive with outreach and engagement to stakeholders and impacted/local groups and communities.

Public Input

RMP and NEPA mailing lists

Input: Establish and consistently follow a national policy for how each office will create, maintain, and use its NEPA and RMP revision mailing lists.

Input: Seek public input at every stage of the planning process.

Consistent public updates

Input: Inform the public when there are no updates or delays in the process. The public requests constant updates.

Integration of public input into planning

Input: Listen to stakeholders and provide specific examples where public feedback and input has been integrated into planning processes, and not just accepted.

Input periods

Input: Invite and incorporate public comments outside of official comment periods.

Section 8.5, Issue-based planning

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State, Local, and Tribal Government Input

Socioeconomic Impacts

Input: Fully evaluate the socio-economic impact of decisions early in the process and engage the local governments in this process. Focus the analysis of impacts at the local economy scale. Establish a collaborative outreach and engagement program between the BLM, State agencies, and local governments to identify opportunities and best methods for dialogue as it relates to socioeconomic impacts.

Amending the definition of “planning issues”

Input: Focus planning issues on the on the principles of multiple use and sustained yield.

Include State trust managers in the plan implementation phase of planning

Input: Incorporate State trust managers in the implementation of Federal land use plans where the activities impact or interact with State trust assets to streamline the permitting and use of both Federal and State lands.

Management for Wilderness Characteristics

Input: Do not prioritize single-use wilderness-type management, as FLPMA does not included wilderness as a multiple use; therefore, BLM should not prioritize single-use wilderness-type management. The designation of “Lands with Wilderness Characteristics” should be explicitly addressed as not consistent with FLPMA.

Fish and Wildlife

Input: Include management for sustainable fish and wildlife populations in “multiple-use and sustained yield” mandates. High-functioning partnerships between the BLM and other agencies responsible for fish and wildlife management are essential.

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Providing clear and up-front expectations for cultural resource inventories

Input: Provide clear and complete information to applicants about what is expected regarding the initial assessment of natural and cultural resource impacts; in particular, improving the up-front natural and cultural resource inventories would benefit both the NEPA and Section 106 processes.

Section 8.6, Purpose and need

State, Local, and Tribal Government Input

Purpose and Need

Input: Clearly state the purpose and need for taking action and then openly evaluate issues and alternatives that relate to the purpose and need for taking action. Do not analyze alternatives or information not relating to the purpose and need.

Special Designation Areas

Input: Adequately establish a purpose and need and consult with partners to establish explicit directives on how State jurisdictions will not be impacted when evaluating Special Designation Areas such as wilderness, National Monuments, Parks, Wildlife Refuges, Conservation Areas, Areas of Critical Environmental Concern, etc.

Input: Prepare and release guidance materials that pertain to new Special Area Designations that have or are being incorporated into recent and on-going Alaska RMPs but are not listed in the current planning handbook (H-1602-1) for public review and comment.

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Section 8.7, Plan evaluations

State, Local, and Tribal Government Input

Deferral of an Action

Input: Relate deferring an allocation or other land use planning decision, to a decision in an ongoing planning effort where the deferred action is included in the development of alternatives.

New Review Period for a significantly changed preferred alternative

Input: Require re-release of a draft RMP for full (60-90 days) public review and comment (separate from the subsequent Protest period) when the proposed final alternative is measurably different from the preferred alternative in the draft RMP.

Travel Management

Input: Require travel management decisions in Alaska be based on current and complete inventory and use data; if an RMP did not take inventory and use data into consideration, state it cannot place limits on future step-down planning decisions.

Fair Market Value

Input: Charge fair market value for all costs. Put that money into acquiring more land to set aside for the public good and put conservation easements not only on the land, but mineral rights so they can just stay in the ground.

Public Input

Executive Reviews/RMP Companions

Input: Develop concise Executive Reviews allowing readers to comment.

Input: Develop an easy to read, brief companion document to an RMP for local Tribes and governments.

Section 8.8, Planning vs. Implementation decisions

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State, Local, and Tribal Government Input

Definition of Reasonable Range of Alternatives

Input: Define what constitutes a ‘reasonable range’ further, and do not allow the term to be subjective. Failure to include a reasonable range of alternatives is a common source of litigation.

Progress report on implementation

Input: Present to the public a progress report that shows the implementation progress over the past year(s), on actions deemed necessary in the LUP.

Decision Record

Input: Do not have a “decision record” for an LUP because the LUP should not be a "decision" document.

Setting Priorities with local Authorized Officers

Input: Do not set priorities for restoration in an LUP. Priority setting is a local authorized officer’s responsibility within his/her budget and personnel availability.

FLPMA (Section 202) and LUPs

Input: Be aware that Section 202 of the FLPMA does not convey any authority to the BLM to make both land use planning and implementation decisions, and LUP's should not include any implementation decisions or preclude the use of adaptive management to allow local BLM staff and Cooperators to make decisions. Likewise, LUPs should not identify uses, or allocations, that are allowable, restricted, or prohibited on the public lands or mineral states. Also, FLPMA does not convey that LUPs should identify desired outcomes expressed in terms of specific goals and objectives, or decisions; they should provide guidance, not decisions, for implementation proposals on multiple use management projects developed after the LUP is completed. Implementation decisions should be developed by local BLM authorized officers after meaningful consultation, cooperation, and coordination

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with those who are cooperating agencies and "affected citizens" from legitimate multiple uses after a guidance LUP is completed.

Guidance terminology, not implementation decision terminology

Input: Do not allow implementation terms in a LUP to take effect immediately as stated. If LUP items take effect immediately, then the concepts of adaptive management are suppressed. Implementation decisions should be put into effect by project specific plans, using site specific language instead of LUP language.

Section 8.9, Measurable objectives

State, Local, and Tribal Government Input

Monitoring

Input: Monitoring should be outcome-oriented.

Creating a good goal list

Input: Come to initial scoping meetings with a goal list, and a scorecard of quantitative and qualitative performance objectives that commit the BLM and Cooperating Agencies to tangible outputs and outcome.

Public Input

Clear and original goals and objectives

Input: Have RMPs state clear, easily understandable goals and objectives, and RMP alternatives be broad enough to plan for future management scenarios.

Input: Make sure planning efforts stay to their original intent, and don't drift away from original goals and objectives.

Section 8.10, Wilderness Characteristics

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State, Local, and Tribal Government Input

Wilderness Characteristics Inventories

Input: Eliminate Manuals 6310 and 6320 to expedite the land management planning process and allow the land designations in existing RMPs to stand. “Wilderness Characteristics Inventories” go beyond the scope of FLPMA and the Wilderness Act.

Managing Wilderness Study Areas (WSAs)

Input: Do not predetermine the management of WSAs. The section referring to this should be removed from the Planning Handbook on page 27 of Appendix C. Congress should be the deciding body on future management of WSAs, along with States, Counties, other Cooperators, local BLM offices, and the "affected citizens" in the location of the released WSA's. Congress should also establish legislation requiring the withdrawal of all WSAs not acted upon by a certain date. Remove WSAs not meeting wilderness status.

Section 8.11, Resource Advisory Councils

State, Local, and Tribal Government Input

Use of Resource Advisory Councils (RACs) in Land Use Planning Process

Input: Modify Section 1610.3-2(d) to remove requirement to coordinate with RACs on RMPs. BLM should have discretion on when it is permissible to coordinate with RACs during a planning process.

Input: Note that section 309 of FLPMA says that RACs can advise on an RMP, not that they be required to be involved.

Input: Keep the planning process (in terms of the RAC's involvement) open to participation and allowing all the participants to draft what they believe is possible.

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Multiple Use Advisory Boards

Input: Reorganize and bring back the Multiple Use Advisory Boards, along with the BLM Grazing Advisory Boards, and only use RACs for centralized management.

Section 8.12, AMS

State, Local, and Tribal Government Input

Requirement of an AMS development

Input: Make development of an analysis of the management situation (AMS) a requirement for an EA-level planning analysis.

Successful and unsuccessful management actions

Input: Utilize the AMS to evaluate the management actions that were successful or unsuccessful in the previous RMP to frame the scoping of a new RMP.

Section 8.13, Regional considerations

State, Local, and Tribal Government Input

Energy Policy Act

Input: Define how the western energy corridors designated under Section 368 of the Energy Policy Act of 2005 will interact with the RMP process.

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Properly consider values of multiple uses and local markets from those uses

Input: Rewrite the planning rule to direct BLM to consider and analyze impacts to the economic and recreational values of hunting in agency actions, as well as an accurate accounting of values of other resource uses and the markets that are created by said multiple uses.

Results and Outcome Based Management

Input: Better implement and give deference to results/outcome based and stewardship contract-style management, with outcomes reflecting current trends.

Public Input

Input: Incorporate local knowledge of the planning area and issues.

Input: Ensure that planning occurs across artificial human boundaries and geographies, including across multiple BLM jurisdictions and States.

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Section 9, NEPA Handbook updates

State, Local, and Tribal Government Input

Range of alternatives for Tribal projects

Input: Allow agencies to analyze only Tribal-supported alternatives and the no action alternative for actions proposed by a Tribe on its own reservation.

Range of alternatives for collaborative projects

Input: Allow agencies to analyze only the action and no-action alternatives when a project is collaboratively developed, unless a third alternative is proposed during the scoping and meets the purpose and need of the project.

Eliminate alternatives that are inconsistent with plans

Input: Eliminate from detailed analysis alternatives that are inconsistent with State Law, State plans, or local ordinances and management plans. This would reduce the size of Federal documents and avoid duplication of effort.

Eliminate unreasonable alternatives

Input: Eliminate alternatives that are not consistent with the purpose and need for the project. Eliminate alternatives that are not within the statutory authority of BLM.

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Section 9.1, Public engagement

State, Local, and Tribal Government Input

Early engagement

Input: Reach out to State, local, and Tribal governments earlier in the NEPA process. Waiting until the end of the process to review is faulty. Earlier outreach means that issues could be identified and addressed sooner in the NEPA process, and commenting periods would not need to be extended.

Local public focus

Input: Emphasize outreach with those most impacted by the agency's decision, and whose communities depend upon access and management of the resources. Implement a mandatory meeting with non-BLM landowners prior to scoping.

Continue Federal Register notices

Input: Send out notices of publication in the Federal Register multiple times.

Public review of draft documents

Input: Make sections of draft documents available for public review with the provision that is still subject to change. Any public comments could be accepted as unofficial until the document became public and available for review.

Departmental Manual and consensus-based management

Input: Strike the discussion of consensus-based management at 516 DM 11.2(D)(2), because it gets in the way of existing collaborative mechanisms that are statutorily mandated, codified in regulation, and further defined for implementation in agency guidance. The objectives of 516 DM 11.2(D)(2) can be accomplished via existing collaborative and public engagement mechanisms.

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Timing of comment periods

Input: Tailor comment periods to the interested public. For example, comment periods during mining season are unhelpful as most miners are out in the field.

Publicize BLM actions

Input: Use public hearings, ads in newspapers and on TV/radio, and stories in local publications. Post all notice on the BLM's website, at all BLM offices within the planning area, and at other public locations, including libraries, social media and other media outlets. Treat it like any other business activity by a private entity "proud" of their "developments."

Work with known litigators

Input: Reach out to known litigators and bring them into the process.

Closures without notice

Input: Allow for administrative temporary closures of BLM lands for volunteer projects (clean ups, trail events, etc.) without notification in the Federal Register.

Public Input

Communications

Input: Be more proactive and creative about using news events, social media, and other communication methods.

Input: Use the various types of local media: social media, BLM web site, newspapers, radio, and TV. Many BLM issues are only noted in the part of the country where they are taking place.

Input: Advertise scoping and public involvement opportunities with due diligence so that important issues are not inadvertently left out of analyses.

Input: Encourage BLM Field Offices to maintain an interested party call list. This should include other agencies, Tribal governments, NGOs or particularly interested citizens.

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Input: Find a simple way for people to subscribe electronically to Federal Register notices or press releases concerning a specific geographic area (e.g. a Field Office or District Office).

Federal Register

Input: Ensure that Federal Register notices are handled by the WO in a timely, clearly traceable, and effective manner.

Field Trips

Input: Schedule and effectively publicize field trips during scoping for EAs and EISs, including on weekends, to the proposed action areas

Input: Consider field trips that would enable stakeholders and BLM staff to discuss potential concerns early on and in the actual location of the proposed project.

Draft NEPA Review

Input: Allow project proponents to review Draft NEPA documents before they are released to the public.

Input: Allow a regulated entity to provide input on the EIS before it is released to other stakeholders.

Preliminary alternative

Input: Have the public heavily involved in a planning assessment phase, and create a preliminary alternative based on public input.

NEPA concept simplified for general public

Input: Educate the public on what NEPA is, and the times when public involvement is needed in the process. This could be in the form of a one page handout about NEPA.

Input: Consider offering NEPA 101 sessions to help interested citizens understand NEPA and the language that goes along with the process.

Draft Deliberative—Do not distribute

Stakeholder Involvement

Input: Identify stakeholders, and involve them in the project before planning ever begins.

Input: Accept local government and stakeholder ideas by showing how they were included in the plan.

Public Meetings

Input: Allow all meetings to be open to the public. The BLM should not be meeting with one stakeholder without other stakeholders present. Members of the press should be encouraged and invited to all meetings.

Non-technical language for public outreach and reports

Input: Issue your invitations to participate, updates, and reports in plain English without using industry or bureaucratic jargon.

Staff time for effective community engagement

Input: Allow more staff to have the time to actually engage with local communities and be available to the communities to accept input and concerns.

Section 9.2, Issue-based analysis

State, Local, and Tribal Government Input

Existing BLM guidance on issues for analysis

Input: Use issue-based analysis to save time. Use the stated purpose and need for action to limit issues requiring detailed analysis, consistent with the BLM NEPA Handbook. Reinforce this guidance through training and internal communication.

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Require supporting information

Input: Require the public to supply enough solid scientific information to the government when they raise an issue for analysis, before it is even looked into.

Set geographic scope

Input: Initiate discussion as early as possible with local governments prior to the boundary being determined and scoping taking place. The determination of the geographic area to be analyzed during the NEPA process for projects is a critical step that needs additional attention.

Scope level of analysis

Input: Choose whether to prepare an EA or EIS only after scoping comments have been solicited and reviewed. This would allow the BLM to consider the level of public controversy or other potentially significant issues that arise during scoping prior to determining the level of NEPA analysis.

Section 9.3, Programmatic analyses

State, Local, and Tribal Government Input

Use of programmatic analyses

Input: Use programmatic or landscape-level planning with site-specific analysis to reduce duplication and disproportionate analysis.

Programmatic pilot program

Input: Use landscape-scale, programmatic, adaptive and iterative analyses. Create a new pilot program to prioritize landscape-scale programmatic analysis for restoration projects over geographies greater than 100,000 acres in landscapes with demonstrated ecological and economic need and effective existing collaboration among diverse stakeholders.

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Public Input

Programmatic EAs/EISs

Input: Use programmatic EAs, especially for foreseeably repetitive proposed actions over large spatial areas, such as landscape treatments and recreational SRPs.

Input: Develop a legally defensible EA template that will be consistently applied throughout each BLM State's offices for all project proponents seeking to bring forth a project.

Input: Focus on programmatic EAs/EISs that cover similar actions nationwide. Additional analysis can be conducted when outcomes are likely to be different.

Section 9.4, Tiering, adoption, and incorporation by reference

State, Local, and Tribal Government Input

Tiering and programmatic analyses

Input: Use a more tiered approach to NEPA, with site-scale analyses tiered to programmatic analyses for common resources and issues.

Incorporation of State and Local plans by reference

Input: Incorporate by reference State and local plans by reference to reduce the length of Federal documents, inasmuch as State and local plans provide the basis for consistency with BLM plans.

Incorporate baseline analysis by reference

Input: Incorporate relevant baseline data or reports from other nearby projects. The BLM should quit the cycle of completely reestablishing baseline conditions for every individual project and not “reinvent the wheel” on analysis.

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Public Input

Tiering to programmatic EISs

Input: Develop programmatic EISs, so subsequent applications can be handled through tiered, supplemental EAs or DNAs.

CEQ Guidance

Input: Refer to CEQ Final Guidance for Effective Use of Programmatic NEPA Reviews (issued December 2014), and CEQ Final Guidance on NEPA Efficiencies (issued March 2012).

Supplemental Programmatic Geothermal EIS

Input: Prepare and issue an updated Supplemental Programmatic Geothermal EIS for commercial geothermal leasing and development and transmission.

Conservation Reviews

Input: Have conservation reviews on programmatic efforts improve (e.g., provide for more effective and efficient) consultation on subsequent, tiered planning processes.

Section 9.5, User-friendly PDF documents

State, Local, and Tribal Government Input

Map-based planning documents

Input: Develop a map-based product that would allow users to review the locations of projects and comment within the application for projects and plans that span large geographic areas or include multiple geographic locations.

Section 9.6, Administrative record

Draft Deliberative—Do not distribute

State, Local, and Tribal Government Input

Maintain administrative record

Input: Ensure a full administrative record is kept for all decisions with input that was received.

Section 9.7, Adaptive management

State, Local, and Tribal Government Input

Develop adaptive management procedures

Input: Incorporate adaptive management as a standard part of BLM processes, and projects using adaptive management should require less lengthy analysis. Develop specific policies and procedures on adaptive management, which should then be incorporated into the BLM handbook. Set up the RMP as a guidance document as a basis for adaptive management.

Section 9.8, Type of analysis/Impacts

Draft Deliberative—Do not distribute

State, Local, and Tribal Government Input

Avoidance of alternative descriptions in effects analysis

Input: Ensure that analysis of effects disclose effects on users and resources rather than repeat descriptions of the alternatives.

Begin complex analyses early –

Input: Begin complex analyses directly following scoping, but prior to full NEPA development. This could result in a more manageable (right size) NEPA process and outcome document. Starting complex analyses prior to preparing a full NEPA process could help streamline the length of time that cooperators are involved.

Section 9.9, Standardization

State, Local, and Tribal Government Input

Standardize analysis

Input: Use standardized approaches to environmental analysis to increase efficiency and reduce time to decision.

Standardized format

Input: Use a national, standardized format for RMP and NEPA documents.

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Standardize content

Input: Review Federal statutes, regulations, policies, and relevant case law to develop core elements to be included in each FONSI, EA, and EIS. This list of elements should guide the scoping discussion. Having a core list of elements to be analyzed will speed up the process and limit duplicative and unnecessary analysis. Create checklists for issues to be analyzed.

Public Input

Standardized EA template

Input: Issue an IM, in alignment with CEQ's original NEPA guidance, directing State Offices to develop standardized EA templates in the form of questions; these will allow project proponents a consistent, streamlined opportunity to fulfill their responsibility for EA input.

Input: Provide an explanation when a decision is reached of how and why it was chosen.

Draft Deliberative—Do not distribute

Section 10, Cooperating Agency Desk guide

State, Local, and Tribal Government Input

Coordination

Input: Update the Desk Guide to provide clear guidance on how to coordinate with other governmental entities, as required by FLPMA.

Section 11, Use of data and GIS in decisions

Section 11.1, Tools for better public access to planning and

NEPA documents

State, Local, and Tribal Government Input

Allow all comments to be provided electronically

Input: Succinct ideas are easier to absorbed. EPlanning is a good example.

Disseminate information in bite-sized portions

Input: Disseminate information via short "Prager University-style" videos, with bullet points so ordinary citizens (who are short on time) can watch and understand. Proposed management plans are nearly impossible for ordinary citizens to read, let alone decipher. Keep in mind that the public is living in an age of Youtube and "short attention spans." Posting on social media (such as Facebook) is cheap, and could potentially be shared by many.

Draft Deliberative—Do not distribute

Develop and make interactive mapping tools for planning available to the public

Input: Develop and make interactive mapping tools available for public use, to better aid in understanding how various planning layers interact and effect on-the-ground use.

Improve the BLM website and announce when changes are being made

Input: For example, the current web format no longer has pages for individual field offices. Much of the information we rely upon from the RMPs can no longer be found online. Even the state office staff did not know how to find GIS information for the Grand Junction Field Office travel management plan as recently as last month.

Continue to use project websites

Input: Add clearer links to various topics, such as descriptions of known historic sites and the NHPA process. While the BLM often includes Section 106 information on project websites, it can be difficult to find.

Implement a better use of technology to provide access by state and local governments in planning and NEPA processes

Input: Develop project tracking software that can be used by BLM Staff and local governments concurrently.

Input: Include fully accessible online project management portals that are transparent and easily accessible where all project information (maps, reports, comments, etc.) is available. A great example is the project management program through the Utah Watershed Restoration Initiative.

Public Input

Input: Provide a link to all comment periods past and present on the BLM website and access to all submitted comments.

Input: Provide an app for smartphones allowing the public to comment on projects.

Input: Develop a graphic for the BLM website that shows the progress of a given NEPA project.

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Input: All documents should be easily searchable and online. Including meeting minutes, supporting studies, public comments, and data.

Input: Establish a land use planning website that focuses on the availability of this geospatial database of land use resources and land use allocations. ArcGIS provides a straightforward way to export a layer as a KML file; this should be done for more NEPA projects so that more of the public can understand them.

Centralized location for NEPA in a geographical area

Input: Work with other Federal agencies to synthesize all of the existing NEPA into a peer reviewed, online decision system designed to remove the need for any further NEPA analysis for typical agricultural production activities and other common land uses in an area.

Section 11.2, Use of Corporate Data

State, Local, and Tribal Government Input

Input: Implement information quality, monitor and use the data.

Section 11.3, Data sharing

State, Local, and Tribal Government Input

Use of State, Tribal, and Local expertise/science in Federal environmental review, consultation and permitting requirements

Input: Support independent research and analysis from NGO, academic, and other partners to inform NEPA and ESA compliance review process improvements, including estimates of the time and cost involved for different project types. Develop metrics for successful outcomes, including cost and time performance indicators.

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Input: Do not unnecessarily duplicate raw data, but when appropriate, evaluate existing analysis of data prepared by the States, and reciprocally share data with State wildlife managers, to ensure that the most complete data set is available for decision support system.

Input: Better utilize statewide data State agencies have on fish and wildlife distribution, population status, and habitat quality, as well as individual species plans such as mule deer or trout, and plans for suites of species such as grassland birds and neo-tropical migrants. These plans and data are key to managing fish and wildlife to meet the objectives of citizens.

Input: Ensure that planning efforts and environmental reviews recognize and integrate State agencies' and local governments' agencies' technical expertise and data into BLM's resource management planning processes to more fully inform decisions, and successfully achieve BLM's sustained yield mandate for fish and wildlife, and considering socio-economic effects.

Input: Work with state fish and wildlife agencies (and other sources for data such as natural heritage programs) to use the latest technology to increase information sharing and updates.

Example Available

Input: National Association of Counties (NACo) Memorandum of Agreement with Association of Oregon Counties (AOC) may provide a good template for early and often communication before decisions are made.

Develop regional databases of information

Input: Develop regional databases of information from trusted sources (including surveys already on file) and allow those sources to be used (and re-used) in future analysis. For example, once an air quality report is done for a region, there is no need for the same study to be completed 1 year later unless conditions have changed dramatically.

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Input: Maintain fish and wildlife datasets that duplicate datasets maintained by the State fish and wildlife agency or natural heritage program. The BLM could regularly share their data with these organizations so datasets are maintained and can be accessed from one place.

Forest Service/BLM Collaboration

Input: Support collaboration between the USFS and the BLM to combine efforts to collect data in order to avoid duplication and facilitate a more streamlined timeline and comprehensive Draft RMP document.

Request information and data from stakeholders

Input: Request and seek information and data from various stakeholders; don't expect stakeholders to know to provide it.

Consideration of Anecdotal Local Knowledge

Input: Make sure to include or at least investigate, during the Planning assessment phase, anecdotal local knowledge when considering best available science.

Deference to Local Data and Research

Input: Use and give deference to locally sourced data and methodologies from the local Land Grant Universities. It's often observed that research and data from outside of the area and State are used in analyses and decisions.

Public Input

State and local govt. data

Input: Work with State and local oil and gas departments to combine efforts and data.

Input: Rely on data gathered by other Federal or local agencies as a baseline.

Local Partner data

Input: Engage local partners and utilize data they have been gathering for years on a resource issue.

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Section 11.4, General

State, Local, and Tribal Government Input

Input: Analyze new scientific data or findings as they become available, even after a plan is complete, and how those specific findings apply or can be incorporated, without starting the whole planning process over and keeping the final product flexible enough to incorporate new data.

Information Technology

Input: Use information technology to improve the efficiency of NEPA, provide greater transparency, and reduce redundant data, analysis and business practices.

Input: Provide analytical tools for improved analysis of potential implications of no-action alternatives.

Citizen submitted data

Input: Ensure that citizen submitted data meets the Information Quality Act (IQA) and U.S. Bureau of Land Management, Information Quality Guidelines (2012) to deserve any consideration. Citizen science remains unchecked and gives politically motivated organizations the means to lock up decisions in litigation. Such citizen submitted data must meet

Input: Do not adopt use of “Traditional Ecological Knowledge” (TEK) as “high quality information”.

Input: Realize that although information gained from ranchers and miners may be valuable, the BLM already has access to that information.

Data from Land Grant Universities

Use and give deference to locally sourced data and methodologies from the local Land Grant Universities. Local and county governments often see research and data from outside of the area and State being used in analyses and decisions.

Draft Deliberative—Do not distribute

Public Input

Online templates/ePlanning

Input: Develop online templates for commenting and reviewing documents for the public.

Input: Improve ePlanning to make it as user-friendly as possible.

Input: Ensure that NEPA project leads can identify points, lines, or polygons as locations of proposed actions, similar to GIS.

Input: Use electronic evaluation of analyses to avoid duplication, including a searchable database of previous NEPA analyses.

Draft Deliberative—Do not distribute

Section 12, Equal Access to Justice Act (EAJA)

State, Local, and Tribal Government Input

Revise EAJA to reduce litigation and excessive analysis

Input: Continue to reiterate to legislators the cost of litigation and the impact on resource management. Much of the complexity of BLM planning is driven by the need to prepare for lawsuits. EAJA reform is necessary in order to address the issue of excessive litigation. As long as litigation proves profitable it is unlikely any level of analysis and documentation will prevent litigation. In fact, the agency tends to allow the threat of litigation to drive the level of analysis, which results in unwieldy and unnecessarily large documents, delayed timeframes and still litigation ensues.

Reform of the EAJA

Input: Lower the amount of money awarded to successful litigants, requiring litigants to win on at least 50% of the case, and requiring litigants to demonstrate economic need. Also, review and change the misuses that are occurring on EAJA, by the anti-grazing and environmental groups. The EAJA incentivizes constant litigation of BLM decisions and can allow for an opportunity for the public to interfere with the BLM planning process. Objection, appeals and lawsuits are often initiated when one group does not achieve their desired outcome in a planning process. They (anti-grazing and environmental groups) have effectively used this source to sue BLM, mostly based on procedural issues, not substantive policies.

Public Input

Reform of the EAJA

Input: Make those that appeal or sue pay for the government time spent on the appeal or suit. Frivolous law suits are too easy with no penalty for the plaintiff.

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Input: Amend EAJA to disallow reimbursement of legal expenses to any party that does not have permanent residence in the immediate affected area or is not personally impacted.

Section 13, Master Leasing Plans (MLPs)

State, Local, and Tribal Government Input

Eliminate Master Leasing Plan Process

Input: Revoke IM 2010-117 and Chapter V of H-1624-1 of the MLP process. It would benefit planning and NEPA procedures. The MLP process forces BLM Field Office staff to perform duplicative and unnecessary analyses of oil and gas leasing that supersede existing RMPs. Existing RMPs should be allowed to govern implementation decisions for longer periods of time, not be superseded by MLPs. MLPs typically take the form of an EA- or EIS-level plan amendment, so they take massive amounts of time and resources that could be better spent on other critical programs.

To: Mashburn, Lori[lori_mashburn@ios.doi.gov]
From: Flynn, Matthew J. EOP/WHO
Sent: 2017-09-19T09:37:54-04:00
Importance: Normal
Subject: RE: DOI Report 9/18/2017
Received: 2017-09-19T09:38:10-04:00

Call me when you get a chance 202-882-8955

From: Cabinet Affairs
Sent: Tuesday, September 19, 2017 9:37 AM
To: Flynn, Matthew J. EOP/WHO <(b)(6).gov>; Paranzino, Anthony M. EOP/WHO <(b)(6).gov>
Subject: FW: DOI Report 9/18/2017

From: Mashburn, Lori [mailto:lori_mashburn@ios.doi.gov]
Sent: Monday, September 18, 2017 2:04 PM
To: Cabinet Affairs <CabinetAffairs@who.eop.gov>
Subject: DOI Report 9/18/2017

DEPARTMENT OF THE INTERIOR DAILY UPDATE FOR CABINET AFFAIRS – 9/18/17

Lori Mashburn, White House Liaison

Status of the Secretary

TODAY: The Secretary is in Washington, DC.
Various meetings and briefings.
Call with Rep. Tom Cole (OK)
Movie Screening of “Only the Brave”

This Week:

9/18-19: Washington, DC. Various meetings and briefings. Revenue Comparison Analysis Model Meeting.
9/20: Travel to Missouri. Remarks at Gala Dinner Event - Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ.
9/21: Confirmed Ribbon Cutting Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ. Travel to Dallas, TX.
9/22: Dinner Remarks at NRA Women's Leadership Forum Summit (Closed Press).
9/23: Washington. Wolf Trap Annual Gala.

Status of the Deputy Secretary

TODAY: The Deputy Secretary is in Washington, DC.

Media TODAY

E&E News: Zinke recommends shrinking as many as 6 sites

Jennifer Yachnin

September 18, 2017

President Trump could move to eliminate protections for nearly all of Utah's 1.9-million-acre Grand Staircase-Escalante National Monument — while also potentially making significant cuts to five other monuments — if he follows recommendations made by Interior Secretary Ryan Zinke, according to a leaked memorandum.

In a private report submitted to Trump in August, and first reported on by The Wall Street Journal, Zinke recommended the reduction of as many as six national and marine monuments, as well as amending the proclamations or management plans of four other sites to allow commercial fishing, protect grazing rights or use for timber harvesting.

White House spokeswoman Kelly Love declined to comment on the memorandum but told E&E News that no deadline has been set for the president to decide whether he will act on Zinke's recommendations.

"The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the president and relevant agencies," Love said.

An Interior spokeswoman declined to comment and referred all inquiries to the White House.

Trump mandated the Interior review in an April executive order. The 120-day assessment included 27 monuments designated since 1996, all but one of which encompass more than 100,000 acres.

Although the order requested a final report by late August, Interior officials declined to release Zinke's recommendations last month, asserting that the memorandum was a draft. A copy of the memorandum provided to E&E News by Public Employees for Environmental Responsibility includes the notation "Draft Deliberative — Not for Distribution" at the bottom of each page.

But Zinke acknowledged that he had recommended the reduction of a "handful" of sites. He had publicly called for unspecified cuts to the 1.35-million-acre Bears Ears National Monument in southeast Utah in mid-July, while also dismissing a half-dozen monuments from any alterations (Greenwire, Aug. 24).

The leaked memorandum shows Zinke urged Trump to reduce the acreage of four national monuments, including both Grand Staircase Escalante and Bears Ears, as well as Cascade-Siskiyou National Monument in Oregon and California and Gold Butte National Monument in Nevada.

The document also recommends either management or boundary changes to both the Rose Atoll Marine National Monument and the Pacific Remote Islands Marine National Monument.

Management changes are also recommended for Katahdin Woods and Waters National Monument in Maine, Northeast Canyons and Seamounts Marine National Monument near Massachusetts, and both the Organ Mountains-Desert Peaks and Rio Grande del Norte national monuments in New Mexico.

The report, however, doesn't include specific cuts or maps to identify areas for reductions.

"Some of these recommendations are very mysterious," said Kristen Brengel, vice president of government affairs at the National Parks Conservation Association.

But she added that Zinke's description of Grand Staircase-Escalante, for example, would suggest that the president could attempt to eliminate the vast majority of its current acreage.

"If you took everything that's in the preamble and thought this out to yourself ... basically, that would bring the monument down to nothing, and you're not protecting any of the sacred sites or petroglyphs," Brengel said.

Zinke's description of the southwestern Utah monument notes that it's home to "an estimated several billions tons of coal and large oil deposits," a point of contention since President Clinton established the monument in 1996 in part to lock up a massive coal deposit in the area's Kaiparowits Plateau while preserving cliffs, slot canyons and sandstone arches.

Zinke's report also notes that about 47 percent of the monument land is also designated as wilderness study area (WSA), a status he has previously suggested could be an alternative to national monument designation. He also pointed to county lawsuits over the use of R.S. 2477 roads within the monument and asserted that grazing has been reduced in the area because of difficulties with maintenance of roads and other infrastructure.

Reductions to both the Bears Ears and Gold Butte monuments would likewise remove tens of thousands of acres of WSAs, as well as local water districts in the Nevada site. The Cascade-Siskiyou reductions could include measures to "reduce impacts" on more than 52,000 acres of private inholdings and to ensure timber production on nearly 17,000 acres of Oregon and California Railroad Revested Lands. Changes to the marine monuments would include permitting commercial fishing.

"They want to basically allow all of these damaging activities, whether it's mining or oil and gas development, in monuments, when that's not what the Antiquities Act was intended to do," Brengel said. "It's the worst kind of 180 you could ever do in conservation. This is absolutely anti-conservation."

Trump urged to consider 3 new designations

Zinke's memorandum also sharply criticizes the use of the Antiquities Act — which allows presidents to designate monuments on federal lands with historic, cultural or scientific interest — for protecting large-scale landscapes, including "viewsheds" and "ecosystems."

"In the case of lands administered by the Bureau of Land Management (BLM), designating geographic landscape areas as objects of historic or scientific interest is especially problematic given that the determination of land uses is normally done under the robust public balancing processes pursuant to" the Federal Land Policy and Management Act, Zinke wrote.

"When landscape areas are designated and reserved as part of a monument, objects and large tracts of land are overlain by a more restructure management regime, which mandates protection of the objects identified."

He added, "This has the effect of significantly narrowing the range of uses and BLM's multiple-use mission."

Nonetheless, Zinke endorsed the creation of at least three new monuments, urging Trump to establish a public review process for those sites.

The potential monuments include the 4,000-acre Camp Nelson in Kentucky, a former Union Army supply depot, training center and hospital; the Medgar Evers Home in Mississippi,

which is already a National Historic Landmark; and the 130,000-acre Badger-Two Medicine area in Montana.

WALL STREET JOURNAL: INTERIOR REPORT RECOMMENDS CUTS OR CHANGES TO SEVEN NATIONAL LAND MONUMENTS

Jim Carlton

September 17, 2017

Interior Secretary Ryan Zinke has recommended cutbacks or other changes to nearly half the geographic national monuments he recently reviewed at the request of President Donald Trump, according to a report sent to the White House and reviewed by The Wall Street Journal.

The report recommends reducing the boundaries of the Bears Ears and Grand Staircase-Escalante preserves in Utah, and reopening hundreds of thousands of square miles of protected oceans in both the Pacific and Atlantic to commercial fishing—in actions numerous environmental groups would likely fight to block.

Those are the findings in a report the secretary sent to Mr. Trump in August. The details of the report weren't released at the time.

Officials at the Interior Department referred requests for comment to the White House, which declined to comment.

"The Trump administration does not comment on leaked documents, especially internal drafts which are still under review by the president and relevant agencies," White House spokeswoman Kelly Love said in a statement Sunday.

Besides Bears Ears and Grand Staircase-Escalante, the list of land monuments recommended for downsizing or otherwise made less restrictive—including by allowing traditional activities including ranching and logging—are Oregon's Cascade-Siskiyou; Nevada's Gold Butte; Maine's Katahdin; and New Mexico's Organ Mountains-Desert Peaks and Rio Grande Del Norte. The ocean preserves Mr. Zinke wants reopened to commercial fishing include Northeast Canyons and Seamounts off the Massachusetts coast and both Rose Atoll and the Pacific Remote Islands.

Mr. Zinke recommended no changes to 17 other national monuments that the president included in the review, which he ordered after complaining some of his predecessors had locked up too much land and water in the preserves that can be created by presidents or Congress under the Antiquities Act of 1906. Most of the monuments that Mr. Zinke reviewed were created by two of Mr. Trump's Democratic predecessors, Barack Obama and Bill Clinton.

If the president acts on the recommendations, they could have enormous economic implications in areas around the monuments.

For example, huge fisheries could reopen in both the Atlantic and Pacific. Prior to a nearly 600,000-square-mile area being created as the Pacific Remote Islands Marine National Monument by the George W. Bush and Obama administrations, the region was a major fishery for Hawaii and Samoa, Mr. Zinke said in his report. Along with the two other marine monuments he singled out for change, he asked the president to take actions including through

boundary reductions to allow most commercial fishing to resume.

Similarly, a reduction in the size of Utah's 1.9-million acre Grand Staircase-Escalante National Monument—which was established by Mr. Clinton in 1996—could open that area of canyons to coal and oil exploration. The report notes that the monument contains “an estimated several billion tons of oil and large oil deposits.”

Mr. Zinke also said traditional activities such as ranching and logging would be better protected by reducing acreages or making other changes at Oregon's Cascade-Siskiyou, Nevada's Gold Butte and New Mexico's Rio Grande Del Norte national monuments.

And in the case of the Organ Mountains-Desert Peaks National Monument in southern New Mexico, Mr. Zinke recommended the president amend that preserve to, among other things, to lift motorized restrictions in areas close to the U.S.-Mexican border for national security reasons.

Mr. Zinke told the president his agency had received about 2.6 million comments about the monument, review but that most were from campaigns organized by environmental groups. He made a point during his personal tours of some of the monuments to meet with residents of nearby, rural areas who he said had not been adequately represented when the monuments were created.

“Too often, it is the local stakeholders who lack the organization, funding and institutional support to compete with well-funded NGOs (non-governmental organizations),” he wrote.

Mr. Zinke also recommended the president request congressional authority to enable tribal co-management of sensitive cultural areas, such as Native-American artifacts in the Gold Butte monument.

And he suggested the president establish three national monuments of his own: two representing buildings in Kentucky and Mississippi involved in African-American history, and a 130,000-acre natural area along Montana's Rocky Mountain Front important to the Blackfeet tribe called Badger-Two Medicine.

Environmental groups and their supporters said the president doesn't have the legal authority to significantly alter national monuments, and pledged to fight him in court if he follows through on the recommendations.

“Secretary Zinke's recommendations would amount to the largest elimination of protections for public lands and wildlife habitat in U.S. history,” said Matt Lee-Ashley, senior fellow at the Center for American Progress, a left-leaning think tank. “All told, this proposal—if implemented—would result in an area several times the size of Yosemite National Park being turned over for mining, drilling, and logging.”

Corrections & Amplifications:

Interior Secretary Ryan Zinke has recommended cutbacks or other changes to nearly half the geographic national monuments he recently reviewed. An earlier version of this article incorrectly stated he recommended cutbacks or changes to nearly half the national land monuments. (Sept. 17, 2017)

INTERIOR ANNOUNCES \$62 MILLION CONSTRUCTION CONTRACT ON NAVAJO-GALLUP WATER SUPPLY PROJECT

WASHINGTON – The Department of the Interior announced today that the Bureau of Reclamation is awarding a construction contract of almost \$62 million for part of the Navajo-Gallup Water Supply Project in New Mexico to increase the supply of clean drinking water to surrounding communities.

“This contract is a big step toward completing the Navajo-Gallup Water Supply Project, which is a top priority as it fits into the administration's commitment to improving infrastructure,” U.S. Secretary of the Interior Ryan Zinke said. “The project is critical to providing a much-needed, long-term, sustainable water supply for people on the Navajo and Jicarilla Apache reservations and the City of Gallup. It is also the cornerstone of our commitments under the Navajo Nation San Juan River Water Rights Settlement.”

The contract was awarded to Oscar Renda Contracting Inc. of Roanoke, Texas. It covers Block 9-11, an integral component of the Navajo-Gallup Water Supply Project. When completed, the entire project will consist of approximately 300 miles of pipeline, two water treatment plants, 19 pumping plants, and multiple water storage tanks.

Under the new contract, Reaches 9 through 11 of the San Juan Lateral portion of the project will include construction of approximately 28 miles of 48-inch and 42-inch diameter water transmission pipeline between the community of Naschitti, New Mexico to the Twin Lakes, New Mexico area. Work on this segment of the project is anticipated to begin in January 2018 with completion scheduled for March 2020.

Upon completion of the entire Navajo-Gallup Water Supply Project in 2024, Block 9-11 will include turnouts to provide water to the communities of Naschitti, Buffalo Springs, Tohatchi, and Mexican Springs.

“This contract on a critical infrastructure project is the result of tremendous work by our Reclamation team and partners,” said Alan Mikkelsen, Reclamation’s Acting Commissioner. “The Navajo-Gallup Water Supply Project will improve the safety and quality of life by providing an increased supply of clean drinking water to communities within the project area.”

WH COMMS REPORT (new report filed Thursday)

Press Inquiries:

- ☐ Many small inquiries.
- ☐ E&E News: (Jennifer Yachnin)—**REQUEST**-- Gov. Herbert yesterday talked about GSENM at his monthly press conference and said Zinke had indicated it would liked be reduced as it violated the AA. Separately he also said it could be transformed into two or three individual monuments. Any comment for a noon ET deadline?—**RESPONSE**-- The Department has no new announcements on the monument review.
- ☐ Washington Post: (Juliet Eilperin) —**REQUEST**-- I am working on a piece about how the secretarial order the Secretary signed on May 31 may translate into restarting seismic studies there, in part by modifying an existing regulation on the subject. Could you give me a call when you can? I should be at my desk, though my cell is always available as a backup. We are aiming to run the story in print tomorrow, though the way things work on the weekends is that

there's always a chance stories get bumped until Sunday or Monday. That said, I will wrap up the reporting and writing today, but even if I finish it this afternoon I would not have them post anything until we have had a chance to check in and you've been able to make inquiries on your end?—**RESPONSE**— Checking with Alaska team now. (Providing background information)

- Arizona DailyStar: (Tony Davis)—**REQUEST**-- I am working on an article on the Secretary's new executive order pertaining to hunting and recreational shooting within national monuments. I asked pios for the BLM in Arizona and NPS in Denver about the order's impacts and they referred me to your office. I have some questions on the order: Regarding BLM national monuments, in Arizona, the BLM has banned recreational target shooting on the Ironwood Forest National Monument near Tucson, where our paper is based. Does this order mean that ban will be reversed, and if so, how soon might that take effect? In Arizona, the National Park Service manages 13 national monuments. Will hunting and recreational target shooting be allowed on all those national monuments due to this order? I am aware that hunting currently isn't allowed in a lot of NPS national monuments. If they are allowed, how soon might that take place?—**RESPONSE**-- The order did not identify any particular monument or parcel of public land however the bureaus and services have been directed to look at restoring access to the extent that is applicable under law. There is no deadline in the order - other aspects have deadlines, you'll notice - because the Secretary realizes there is a process to revising management plans, but he is hopeful it's put into motion quickly.

Top Stories

- Associated Press: [US Wildfire Costs Hit Record \\$2.3 Billion; Season Isn't Over](#)
- CNN: [Trump admin to expand hunting access on public lands](#)
- Wall Street Journal: [Trump Administration to Expand Hunting at National Monuments](#)
- Washington Examiner: [Interior's Ryan Zinke issues order to boost hunting, fishing in parks and monuments](#)
- THE HILL: [Trump administration order expands hunters' access to public lands](#)

Top Issues and Accomplishments

- Interior continues to support all Hurricane Harvey and Hurricane Irma efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- Today, Interior announced the signing of [Secretarial Order 3356](#) **to Support Sportsmen & Enhance Wildlife Conservation**. The press release can be seen [HERE](#).
 - Today, Interior announced a \$62 Million Construction Contract on Navajo-Gallup Water Supply Project. The press release can be seen [HERE](#).
- **Tomorrow, Interior will announce the winners of the Federal Duck Stamp awards. There will be a Department level press release sent.**

- ☐ Tuesday, DOI will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 states and territories.

AGENCY MEDIA

WEEK AHEAD September 13 thru September 21, 2017

Secretarial-level Announcements/Events/Interviews

- ☐ This week the Secretary is in Washington, D.C., until Sept. 20, where he will travel to Springfield, MO, to participate in the ribbon cutting and the opening of the "Wonders of Wildlife National Museum and Aquarium."
- ☐ This week we are working with our federal, state, and Tribal partners to support the WH and FEMA with the Hurricane recovery and wildfire response. The NPS Director is in the USVI to oversee response efforts.
- ☐ September 13: we announced PDAS for Indian Affairs, John Tahsuda.
- ☐ September 14: Secretary Zinke will sign a Secretarial Order to Support Sportsmen & Enhance Conservation. We will issue a press release.
- ☐ September 18: Department-level Release: DOI and NPS will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 States, the Territories, and the District of Columbia for State-identified outdoor recreation and conservation projects.
- ☐ September 16: Department-level Release: Duck Stamp winners announced.
- ☐ TBD: Assistant Secretary for Insular Affairs Doug Domenech was confirmed by the Senate the evening of September 13. We will issue a statement and photo of his swearing-in asap.

National Park Service

- ☐ September TBD: Local NPS Release: NPS Pacific West Region will announce the new superintendent of Redwood National and State Parks.
- ☐ September TBD: Local NPS Release: NPS will issue a news release regarding the independent review panel findings that Golden Gate National Recreation Area dog rule process was unaffected by inappropriate personal email use.
- ☐ September 17: Antietam National Battlefield will commemorate the 150th anniversary of Antietam National Cemetery. The ceremony will begin at noon and include speeches by historian Gary Gallagher, U.S.S. Antietam Captain George Kessler, and Maryland Lieutenant Governor Boyd Rutherford. Following the ceremony, the public will be invited to participate in a reading of the names of those interred in the cemetery and the placing of flags at each grave site.

U.S. Fish and Wildlife Service

- ☐ September 19: Local FWS Release: FWS is required by settlement agreement to submit the

endangered finding for the i'iwi to the Federal Register by September 20. Outreach is planned to Hawaiian media and to national conservation and bird-centric media.

□ September TBD: Public comment period opening for voluntary wildlife conservation opportunity designed with Montana ranchers, regulatory certainty for the next 20 years through a Programmatic Candidate Conservation Agreement with Assurances (CCAA). Participants can voluntarily take steps to conserve the Sprague's pipit, McCown's longspur, chestnut-collared longspur, Baird's sparrow, and greater sage-grouse on their property while conducting their general business operations.

Bureau of Land Management

□ Week of September 18: Local BLM Release: BLM-AZ will announce the acquisition of the 600-acre ET Ranch in Southeastern Arizona, through a shared conservation partnership with the Trust for Public Land and Arizona Game and Fish Department. The acquisition will open access for hunters, hikers, and backpackers to 32,600 acres of Federal wilderness area for the first time and is supported by 20 Arizona hunting and sporting groups.

□ September 18: The public comment period closes on the BLM-NV December 2017 Oil and Gas Lease Sale Preliminary Environmental Assessment. A competitive oil and gas lease sale will be held December 12. The BLM received requests to lease 208 nominated parcels of public land, totaling 388,960 acres. The parcels are located in White Pine, Nye County, and Lincoln County. There is no estimate on the number of bidders at this time.

□ September 19: BLM-WY Buffalo Field Office will meet with landowners from around the Pumpkin Buttes Traditional Cultural Property to discuss concerns with a proposed Programmatic Agreement that would streamline and define that tribal consultation about federal projects within three miles of the area would take place. The meeting will be staffed by local BLM management and subject matter experts on oil and gas development and cultural resources from the Buffalo Field Office. The public and media will be invited.

□ September 21: National BLM Release: BLM-Eastern States will hold an online oil and gas lease sale for three parcels in Monroe County, OH, totaling 141.56 acres, and 3 parcels in Catahoula and Bienville Parishes, LA, totaling 50.15 acres. The sale in Ohio is expected to be controversial. Bidding is not expected to be robust.

□ September 21: National BLM Release: BLM-WY will hold an online oil and gas lease sale for 141 parcels totaling 118,055.54 acres in Niobrara, Weston, Goshen, Crook, Converse, Campbell, Johnson, Fremont, Big Horn, Washakie, Weston, and Sheridan Counties, WY. The sale is not expected to be controversial. Bidding is not expected to be robust.

U.S. Geological Survey

□ September 18: Local USGS Release: USGS will put out a release announcing that scientists from the GHSC and Menlo Park will be excavating a trench across the Teton fault in Jackson, Wyoming. A media availability will take place Sept. 20.

□ September 18: Local USGS Release: USGS will put out a release announcing that scientists will conduct dye tracer and aerial mapping surveys on northern Idaho's Kootenai River.'

- ☐ September 21: National USGS Release: USGS will put out a release regarding a nature article on the potential release of mercury currently stored in permafrost.

Bureau of Ocean Energy Management

- ☐ September 15-19 (tent.): Note to Stakeholders on the Notice of Availability (NOA) for the Cape Wind Record of Decision (ROD). The ROD is due to be completed on Sep 15.
- ☐ September TBD: National BOEM Release: Gulf G&G PEIS Record of Decision.
- ☐ September TBD: National BOEM Release: BOEM will announce Marine Minerals
- ☐ Rule.

Office of Insular Affairs

- ☐ September TBD: OIA Release American Samoa Authorization to Proceed – Insular ABCs – Repairs in the Public Schools.
- ☐ September TBD: FSM Compact Infrastructure and Technical Assistance ~ \$1.5 million September TBD: RMI Press Release Compact Infrastructure \$149,436; Ebeye Special Needs \$300,000; Health Care Program for 4 Atolls (Section 177) \$697,387.
- ☐ September TBD: FY 2017 CIP Infrastructure funding for Guam and CNMI ~ \$10 million

Office of Natural Resources Revenue

- ☐ September TBD: National ONRR Release: ONRR will announce Secretary's appointment of 20 non-federal members of Royalty Policy Committee and announcing first Meeting of Committee on Oct. 4.

Bureau of Safety and Environmental Enforcement

- ☐ Week of September 18: Director Angelle is concluding his visits to the top 20 lessees in the Gulf

CONGRESSIONAL (updated)

Monday, September 18, 2017

BOEM held the *Development of the Five Year Offshore Oil and Gas Leading* briefing on the Hill.

Tuesday, September 19, 2017

9:30am: Senate Committee on Energy and Natural Resources

Business Meeting to consider the nominations of Mr. Ryan Nelson to be Solicitor of the Interior, Mr. Joseph Balash to be Assistant Secretary of the Interior for Land and Minerals Management, and Mr. Richard Glick and Mr. Kevin McIntyre to be Members of the Federal Energy Regulatory Commission.

10 AM: BLM official to testify before SENR committee: John Ruhs (Acting Deputy Director for Operation, BLM) will testify before the SENR Committee regarding "Vegetation Management Requirements for Electricity Assets on Federal Lands" and on Section 2310 of S. 1460, the Energy and

Natural Resources Act, and H.R. 1873, the Electricity Reliability and Forest Protection Act. This hearing is of particular interest as the Administration is seeking solutions to mitigate wildfires by active management solutions. Sec. Zinke was the author of this legislation when he was in Congress.

Political Appointee Update

(update)

DOI politicals on board = 55

2 confirmed as of 9/18.

4 nominated awaiting confirmation:

Pending Senate floor vote: Susan Combs, Assistant Secretary Policy Management and Budget.

Pending Senate floor vote: Brenda Berman, Commissioner, Bureau of Reclamation.

Pending Senate Committee Vote 9/19: Joe Balash, Assistant Secretary, Land and Minerals.

Pending Senate Committee Vote 9/19: Ryan Douglas Nelson, Solicitor.

Overall:

Schedule C: 32 of 68 onboard; 1 starting; 5 in process

NC-SES: 22 of 44 onboard; 3 starting; 23 in process

PAS: 3 Confirmed; 4 Announced; 15 of 17 Submitted to PPO

-

Secretary Speaking Invitations (unchanged from Thursday)

Accepted

9/20-21 - Ribbon Cutting, Wonders of Wildlife Museum & Aquarium Bass Pro HQ (Springfield, MO)

9/22-24 - NRA Women's Leadership Forum Summit (Dallas, TX)

9/25 - Remarks at National Stone Sand and Gravel Association Legislative and Policy Forum (DC)

9/25 – National Petroleum Council

9/26 – National Clean Energy Week Symposium (DC)

9/26 - Jefferson's Islands Club Citizen of the Year Award (DC)

9/27-28 - Cohen Veterans Care Summit (DC)

Outstanding Invitations in Process

Open - Detroit Economic Club

Open - Americans for Tax Reform (DC)

Open - Weyrich Lunch (DC)

Declining

9/17 - 150th Anniversary for the Antietam National Cemetery (Antietam)

9/18 – Concordia Annual Summit (NYC)

9/23 - Southern Illinois Hunting & Fishing Days Inc. (Carterville, IL)

9/19-21 - Montana Wood Products Assn - Forest Resources Association Convention (Whitefish, MT)

9/20 – Remarks to the European Conservatives and Reformists Group (DC)

9/21 - Associated Industries of Florida (AIF) (DC)

9/23 - Buffalo Bill Centennial Ball (Cody, Wyoming)

9/23 - National Mining Hall of Fame (Denver, CO)

9/26 - Billings Chamber Annual Mtg (Billings, MT)

9/26 - S&P Annual Asia Pacific Petroleum Conference (Singapore)
9/26 - GAO for international conference on extractive industries (DC)
9/28-30 - Council for National Policy
10/1-3 - New Mexico Oil and Gas Association (Santa Fe)
10/2 - IOGCC Annual Meeting (Pittsburgh PA)
10/3 – ShaleTech Permian (Odessa, Texas)
10-16-17 Americans For Tax Reform Coalition Leaders Summit (Miami Beach, FL)
10/13 - Public Land & Resources Law Review's Public Land Law Conference (Missoula, MT)
11/14 – George Rogers Clark National Historical Park Quarter Launch (Vincennes, Indiana)
10/31 - George B. Hartzog, Jr. Awards and Speaker Program Clemson University (SC)

Emergency Management (new)

NEW: David Mihalic has been made coordinator of DOI interactions with FEMA. 467 DOI employees have volunteered to assist, 16 were sent to FEMA for anticipated deployment under wave 9 (depart date Sept 21); anticipate another 15 to join Wave 9. Wave 10 is anticipated to depart on 9/24.

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum amounts of 20 inches, across the central and southern Leeward Islands, including Puerto Rico and the U.S. Virgin Islands and British Virgin Islands, through Wednesday night. Rainfall could cause life-threatening flash floods and mudslides.

Support updates to the interagency Hurricane Irma Response are as follows:

DOI currently has 184 personnel supporting 10 FEMA Mission Assignments (MA) in response to Hurricane Irma.

In support of ESF #5 (Information and Planning), 10 USGS personnel were in the field in Florida yesterday retrieving storm surge sensors and analyzing data, with 120 surge sensors retrieved to date. A total of 4 storm surge sensors were lost in the storm, and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged, and 30 HWMs have been surveyed in Florida, alone. In Georgia, 9 USGS personnel were in the field retrieving storm surge sensors and

flagging HWMs. A total of 58 surge sensors have been retrieved, and 42 HWMs have been flagged to date. While no personnel are currently deployed to Puerto Rico, 25 HWMs have been flagged to date. In support of ESF #13, Public Safety and Security, DOI Irma Quick Response Teams (QRT) 1, 4, and 6 are located in Orlando, Florida, pending assignment. DOI Irma QRTs 2, 3, and 5 continue to support the Seminole Tribe on a Direct Federal Assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

With respect to internal bureau and office-specific Irma activities:

The NPS EIMT continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT is reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down until a full review of the incident is completed. The EIMT also continues relocation of USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

USFWS reports 52 (-1) stations closed in the Service's Southeast Region (Region 4) due to Hurricane Irma.

The Bureau of Indian Affairs (BIA) reports that the Seminole Tribe of Florida has 3 (no change) shelters open, with a total population estimated at 24 (-1).

The USGS Caribbean Florida Water Science Center deployed four personnel yesterday to make discharge measurements, repair gages, and flag for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico.

Support updates to the interagency Hurricane Harvey Response are as follows:

There are 60 DOI personnel currently supporting 2 FEMA Mission Assignments for Harvey response and recovery.

Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed to date.

Wildland Fire Updates:

In Montana, the Sprague Fire in Glacier National Park has burned 16,790 (+795) acres and is 60 (no change)-percent contained. The fire is managed by a Type-2 IMT with 171 (+2) personnel assigned, including 63 (-26) DOI personnel. There are 238 (no change) residential structures and 48 (no change) commercial structures threatened. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. Full containment is expected on November 1.

In Oregon, the Spruce Lake Fire in Crater Lake National Park has burned 15,826 (+166) acres and is 22 (-5)-percent contained. The fire is managed by a Type-2 IMT with 41 (+1) personnel assigned. No DOI personnel are assigned to this fire. There are 39 (+4) residential structures threatened. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire. Full containment is expected on October 15.

Outside Media of Interest (new)

Politico: Court rejects BLM emissions calculations for coal mine expansion

Ben Lefebvre**September 15, 2017**

BLM ran afoul of the National Environmental Policy Act when it said a Wyoming mine expansion would not result in higher carbon dioxide emissions, a federal appeals court ruled today. The 10th Circuit U.S. Court of Appeals [decision](#) overturns a lower court ruling and potentially opens the door to more lawsuits against coal projects BLM approved following similar environmental reviews, said Nathaniel Shoaff, a senior attorney with the Sierra Club, one of the lead plaintiffs on the case. "The implications of the case is clear," Shoaff told POLITICO. "The agency has to be honest about the climate impacts of what it's doing. Every coal lease that BLM has issued in last five years can now be litigated on this precise issue." The Sierra Club and WildEarth Guardians sued in 2012 to prevent BLM from approving leases for an additional 2 billion tons of recoverable coal from a pair of existing surface mines in Wyoming's Powder River Basin. The green groups said BLM incorrectly assumed that buyers would have purchased the same amount of coal elsewhere if the mine expansions were not approved, rather than replacing coal-fired generation with cleaner sources. The three judges on the 10th Circuit panel agreed, finding that BLM's "perfect substitution" argument lacked evidence and was "arbitrary and capricious." The court said BLM must revise its environmental impact statement for the approvals, but did not overturn the leases themselves. BLM and the Wyoming Mining Association, another defendant in the case, were not immediately available for comment. **WHAT'S NEXT:** The U.S. District Court in Wyoming will now review the decision to find a possible remedy.

Trump Administration To Expand Hunting At National Monuments.

The [Wall Street Journal](#) (9/15, Carlton) reports Interior Secretary Ryan Zinke on Friday signed an order to expand hunting, fishing, and target shooting at national monuments that previously had banned those activities. Zinke said, "The more people we can get outdoors, the better things will be for our public lands. ... Some of my best memories are hunting deer or reeling in rainbow trout back home in Montana, and I think every American should be able to have that experience."

[The Hill](#) (9/15, Manchester) reports that the order is "an extension of a previous order he signed aimed at restoring the 'American sportsmen conservation ethic.'" According to the article, "the move is likely to be welcomed by hunters and fishers and is the latest Trump effort to reach out to those groups."

The [Grand Forks \(ND\) Herald](#) (9/15) reports that "sportsmen's and conservation groups across the country are applauding" the order. Chris Cox, executive director of the National Rifle Association, said, "In the past, management plans for federal lands have been put in place to ban hunting and shooting. Sportsmen and women can now breathe a sigh of relief that those days are over. This administration values access to public lands for sportsmen and we commend them for it." The article notes that "other groups weighing in with support for the order included the National Wildlife Federation, the National Shooting Sports Foundation, Rocky Mountain Elk Foundation and the Congressional Sportsmen's Caucus."

However, the [AP](#) (9/15, Daly) reports that "environmentalists dismissed it as 'a do-nothing order.'" Matt Lee-Ashley, a former Interior official who is now a senior fellow at the left-leaning Center for American Progress, said that "the public already has the right to hunt and fish on federal lands, and states have primary authority to regulate hunting and fishing in those areas." Lee-Ashley said,

“Secretary Zinke is trying desperately to create a distraction from his proposal to dramatically reduce the size of America’s national monuments, which would be the largest elimination of protections for wildlife habitat in U.S. history.”

Interior Report Recommends Cuts Or Changes To Seven National Land Monuments.

The [Wall Street Journal](#) (9/17, Carlton) reports that according to a report sent to the White House, Interior Secretary Ryan Zinke has recommended reductions or other changes to almost half of the national monuments he reviewed at the President’s request. Among Zinke’s recommendations are condensing the boundaries of the Bears Ears and Grand Staircase-Escalante preserves in Utah, Nevada’s Gold Butte, Oregon’s Cascade-Siskiyou, and reopening hundreds of thousands of square miles of protected the Pacific and Atlantic oceans to commercial fishing.

The [Washington Post](#) (9/17, Eilperin) says that the White House “is reviewing the recommendations and has not reached a final decision on them.” If the changes recommended by Zinke are enacted, they “could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act.”

The [AP](#) (9/17, Daly) reports that “if Trump adopts the recommendations, it would quiet some of the worst fears of his opponents, who warned that vast public lands and marine areas could be lost to states or private interests.” However, “significant reductions in the size of the monuments, especially those created by Obama, would mark the latest in a string of actions where Trump has sought to erode his Democratic predecessor’s legacy.”

Trump Administration Working Toward Renewed Drilling In Arctic National Wildlife Refuge.

The [Washington Post](#) (9/15, A1, Eilperin) reports in a front-page article that the Trump Administration is moving to permit energy exploration in the Arctic National Wildlife Refuge for the first time in 30 years. In August, Fish and Wildlife Service acting director James W. Kurth ordered an update to “a rule that allowed exploratory drilling between Oct. 1, 1984, and May 31, 1986,” by removing the dates to allow “applicants to [submit] requests for approval of new exploration plans.” According to [Fortune](#) (9/15, Reiss), “tens of millions of dollars have been spent on the battle for ANWR” over the years. The piece extensively details past efforts to open up the area to drilling as well as current struggles, adding that Alaska’s senators – Lisa Murkowski and Dan Sullivan – believe “that 2018 will be the best chance for success that the pro-ANWR-drilling movement has had in 25 years.”

‘I’m Working In The ... Soviet Union.’ Interior Staff Eyed For Leaks.

[E&E Publishing](#) (9/15) reports the US EPA “intends to comply with a White House directive aimed at cracking down on leaks across the federal government, said agency spokeswoman Liz Bowman.” In an email, Bowman said, “We fully agree that government employees should do their part to protect classified information and control unclassified information. ... EPA is developing training to support the White House’s request.” Other officials in the government “are expected to get similar instructions after Trump’s national security adviser, H.R. McMaster, issued a memo earlier this month to the heads of agencies across government.” McMaster’s “directive comes as part of a broad effort by the Trump administration to crack down on leaks. The memo was sent to environmental and energy agency leaders, including EPA boss Scott Pruitt, Energy Secretary Rick Perry, Interior Secretary Ryan Zinke and the chairman of the Council on Environmental Quality (a post that is currently vacant).” E&E adds “press offices at DOE and Interior did not respond to requests for comment about

whether they plan to hold training sessions.”

Feds Announce \$62 Million For Navajo Water Pipeline.

The AP (9/15) reports that the Interior Department “says it’s awarded a nearly \$62 million contract for construction of a water pipeline between two northwestern New Mexico communities.” The pipeline is part of the greater Navajo-Gallup Water Supply project. It “aims to create a sustainable water supply for Navajo Nation and Jicarilla Apache residents and Gallup.”

Minnesota Artist Wins Federal Duck Stamp Contest.

The AP (9/16) reports that “a Minnesota artist has won the federal duck stamp art contest for 2017.” The U.S. Fish and Wildlife Service “announced Saturday that Bob Hautman from Delano won the contest with his acrylic painting of a pair of mallards.” It is Hautman’s third win.

Trump, Pence Welcome Young Fan To White House To Mow Lawn.

The CBS Evening News (9/15, story 11, 0:25, Mason) reported 11-year-old Frank “FX” Giaccio of Falls Church, Virginia, “a young fan of President Trump,” last month “wrote him a letter offering to mow the White House lawn. And the President took him up on it.” CBS added that the President “asked FX what he wants to be when he grows up. He replied, ‘A Navy SEAL.’” NBC Nightly News (9/15, story 11, 0:25, Holt) reported FX “seemed to [mow the lawn] with such determination that it was hard for the President to get his attention. Afterward, Mr. Trump called Frank the ‘real future’ of the country.” The Washington Post (9/15, Moyer) reports Trump “tweeted a video that shows Frank at work behind a Honda mower with a steely-eyed stare before meeting Vice President Pence. Then he met Trump in the Oval Office.” The President stated, “Frank ‘FX’ Giaccio – On behalf of @FLOTUS Melania & myself, THANK YOU for doing a GREAT job this morning! @NatlParkService gives you an A+!”

Federal Register Listings: (new)

Items were cleared for the FR on Friday.

REG0007395 BLM Notice of Public Meeting: Eastern Washington Resource Advisory Council The Eastern Washington Resource Advisory Council is scheduled to meet on Thursday, October 26, 2017. Notice 09/15/2017

REG0007396 BLM Notice of Public Meeting: John Day-Snake Resource Advisory Council The John Day-Snake Resource Advisory Council is scheduled to meet on Thursday, October 12, 2017 and Friday, October 13, 2017. Notice 09/15/2017

REG0007397 BLM Notice of Public Meeting: Steens Mountain Advisory Council Public Land Access Subcommittee The Steens Mountain Advisory Council Public Land Access Subcommittee will hold public meetings on Thursday, September 21, 2017, and Friday, September 22, 2017. Notice 09/15/2017

REG0007398 BLM Notice of Public Meeting: San Juan Island National Monument Advisory Committee The San Juan Island National Monument Advisory Committee is scheduled to meet on October 19, 2017. Notice 09/15/2017

REG0007399 BLM Notice of Public Meetings: Mojave-Southern Great Basin Resource Advisory Council and its Planning and Recreation Subcommittees

The Mojave-Southern Great Basin Resource Advisory Council and its Planning and Recreation Subcommittees will meet on September 27, 2017. Notice 09/15/2017

REG0007418 FWS Endangered and Threatened Wildlife and Plants; Threatened Species Status for the liwi This rule finalizes the listing of the iiwi as threatened under the Endangered Species Act. Final Rule 09/15/2017

REG0007421 FWS Threatened Species Status for Pearl Darter This rule will finalize the listing of the pearl darter as a threatened species. This fish species occurs in the Pascagoula River drainages of Mississippi. Final Rule 09/15/2017

REG0007422 FWS Endangered Species Status for Sonoyta Mud Turtle This rule finalizes the listing of the Sonoyta Mud Turtle as Endangered under the Endangered Species Act. Final Rule 09/15/2017

REG0007424 NPS National Register of Historic Places, September 2, 2017 The NPS is soliciting comments on the significance of properties nominated before September 2, 2017, for listing in the National Register of Historic Places or related actions. Notice 09/15/2017

Lori K. Mashburn
White House Liaison
Department of the Interior
202.208.1694

To: Cameron, Scott[scott_cameron@ios.doi.gov]
From: Cason, James
Sent: 2017-09-18T08:06:55-04:00
Importance: Normal
Subject: Re: New HR-related legislative language for the FY 19 budget
Received: 2017-09-18T08:07:32-04:00

OK. Thanks.

Please keep Budget & OCL in the loop.

On Fri, Sep 15, 2017 at 7:46 PM, Cameron, Scott <scott_cameron@ios.doi.gov> wrote:

Jim,

When we were talking to OMB about HR issues this afternoon, they encouraged us to float some additional ideas as legislative provisions to add to our FY 19 budget request.

We came up with the three ideas below.

(b)(5)

(b)(5)

Unless directed otherwise, I plan to forward these to OMB at COB Monday.

Thanks,

Scott

Scott J. Cameron

Principal Deputy Assistant Secretary for Policy, Management and Budget

Office of the Secretary of the Interior

Desk 202 208 4242

Cell 202 706 9031

----- Forwarded message -----

From: Flanagan, Denise <denise_flanagan@ios.doi.gov>

Date: Fri, Sep 15, 2017 at 6:34 PM

Subject: Re: HR-related legislative language

To: "Limon, Raymond" <raymond_limon@ios.doi.gov>, Scott Cameron
<scott_cameron@ios.doi.gov>, Olivia Ferriter <olivia_ferriter@ios.doi.gov>

Cc: Mary Pletcher <mary_pletcher@ios.doi.gov>, "Lawson, Christopher"
<christopher_lawson@ios.doi.gov>, Adrienne Moss <adrienne_moss@ios.doi.gov>

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

Denise,

Per our short chat during the OMB meeting, we wanted to share some placeholder language for need legislation in support of our agency reform:

VERA/VSIP Authority:

The Department seeks Voluntary Separation Incentive Payments (VSIP) authority and Voluntary Early Retirement Authority (VERA) to provide maximum flexibility to bureaus and offices to effectively and do real-time workforce reshaping efforts while minimizing the lengthy and cumbersome outside agency review process. The delegation of authority would be similar to what is delegated to the Department of Defense.

Expanding Term Appointment authority for Science-related Positions: The Department seeks a new authority to appoint, in the excepted service, certain scientific-related positions to appointments lasting up to 10 years. This authority would give the Department enhanced flexibilities to recruit and hire the best and brightest from the academic and science communities and to align that talent to time sensitive assignments with up to ten-year project cycles. Current term appointing authorities are limited to four years.

Change Pay Retention for Management Directed Reassignments Outside of Geographic Area:

The Department seeks a change in mandatory pay retention regulations as a result of management action such as a geographic conversion. [See 5 CFR 536.303(b) and 536.304.] This change will allow the Department to realize immediate cost reductions by relocating employees to geographic locations with lower locality pay. Under the current regulation, potential cost savings will be mitigated for at least two years due to pay retention regulations when moving staff away from large urban centers.

Let me know if this is helpful or if you have any questions,

Thanks, Ray

--

Raymond A. Limon
Director, Office of Human Resources
Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

--

Denise Flanagan, CDFM
Director, Office of Budget

U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Mashburn Lori[lori_mashburn@ios.doi.gov]
From: Douglas Domenech
Sent: 2017-09-18T11:22:55-04:00
Importance: Normal
Subject: Fwd: DOI Emergency Management Daily Situation Report for September 18, 2017
Received: 2017-09-18T11:23:09-04:00
[ATT00001.htm](#)
[DOI EM Daily Situation Report 09182017.pdf](#)

Sent from my iPhone

Begin forwarded message:

From: "Humbert, Harry" <harry_humbert@ios.doi.gov>
To: Ryan Zinke <cdr06@ios.doi.gov>, David Bernhardt <(b)(6)>
Cc: DOI EMDC <doi_emdcc@ios.doi.gov>, Douglas Domenech <douglas_domenech@ios.doi.gov>, Todd Willens <todd_willens@ios.doi.gov>, James Cason <james_cason@ios.doi.gov>, Scott Hommel <scott_hommel@ios.doi.gov>
Subject: DOI Emergency Management Daily Situation Report for September 18, 2017

Secretary,

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum

amounts of 20 inches, across the central and southern Leeward Islands, including Puerto Rico and the U.S. Virgin Islands and British Virgin Islands, through Wednesday night. Rainfall could cause life-threatening flash floods and mudslides.

Support updates to the interagency Hurricane Irma Response are as follows:

DOI currently has 184 personnel supporting 10 FEMA Mission Assignments (MA) in response to Hurricane Irma.

In support of ESF #5 (Information and Planning), 10 USGS personnel were in the field in Florida yesterday retrieving storm surge sensors and analyzing data, with 120 surge sensors retrieved to date. A total of 4 storm surge sensors were lost in the storm, and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged, and 30 HWMs have been surveyed in Florida, alone. In Georgia, 9 USGS personnel were in the field retrieving storm surge sensors and flagging HWMs. A total of 58 surge sensors have been retrieved, and 42 HWMs have been flagged to date. While no personnel are currently deployed to Puerto Rico, 25 HWMs have been flagged to date.

In support of ESF #13, Public Safety and Security, DOI Irma Quick Response Teams (QRT) 1, 4, and 6 are located in Orlando, Florida, pending assignment. DOI Irma QRTs 2, 3, and 5 continue to support the Seminole Tribe on a Direct Federal Assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

With respect to internal bureau and office-specific Irma activities:

The NPS EIMT continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT is reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down until a full review of the incident is completed. The EIMT also continues relocation of USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

USFWS reports 52 (-1) stations closed in the Service's Southeast Region (Region 4) due to Hurricane Irma.

The Bureau of Indian Affairs (BIA) reports that the Seminole Tribe of Florida has 3 (no change) shelters open, with a total population estimated at 24 (-1).

The USGS Caribbean Florida Water Science Center deployed four personnel yesterday to make discharge measurements, repair gages, and flag for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico.

Support updates to the interagency Hurricane Harvey Response are as follows:

There are 60 DOI personnel currently supporting 2 FEMA Mission Assignments for Harvey response and recovery.

Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed to date.

Wildland Fire Updates:

In Montana, the Sprague Fire in Glacier National Park has burned 16,790 (+795) acres and is 60 (no change)-percent contained. The fire is managed by a Type-2 IMT with 171 (+2) personnel assigned, including 63 (-26) DOI personnel. There are 238 (no change) residential structures and 48 (no change) commercial structures threatened. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. Full containment is expected on November 1.

In Oregon, the Spruce Lake Fire in Crater Lake National Park has burned 15,826 (+166) acres and is 22 (-5)-percent contained. The fire is managed by a Type-2 IMT with 41 (+1) personnel assigned. No DOI personnel are assigned to this fire. There are 39 (+4) residential structures threatened. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire. Full containment is expected on October 15.

Harry

--

Harry Humbert
Deputy Assistant Secretary
Public Safety, Resource Protection, Emergency Services
Department of the Interior
202-208-5773

U.S. Department of the Interior Office of Emergency Management Emergency Management Daily Situation Report



As of 8:00 a.m. EDT, Monday, September 18, 2017

The Department of the Interior Operations Center monitors daily incident activity and selects items of interest to the Department's emergency management community from the National Interagency Fire Center, the Department of Homeland Security, and other sources for this report. Bureau/office Emergency Coordinators are responsible for providing incident reports on items that are of interest to senior leadership and the emergency management community to the DOI Operations Center (IOC). Items may be edited or excerpted for brevity. Some of the items contained in this report may be marked For Official Use Only (FOUO) and dissemination of these items should be limited for security purposes.

Alerts & Warnings

National Terrorism Advisory System (NTAS) - Heightened Awareness Bulletin Issued
Continuity of Operations (COOP) COGCON Level is 4
National Wildland Fire Preparedness Level is 5
Bogoslof Volcano: Alert Level is WATCH; Aviation Color Code is ORANGE
Cleveland Volcano: Alert Level is WATCH; Aviation Color Code is ORANGE
Kilauea Volcano: Alert Level is WATCH; Aviation Color Code is ORANGE
The Interior Operations Center is at Level 3 (Enhanced Operations)

Tropical Weather - Atlantic Ocean

Hurricane Maria

Source: National Weather Service/National Hurricane Center – September 18, 2017

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Additional watches and warnings associated with Maria are as follows:

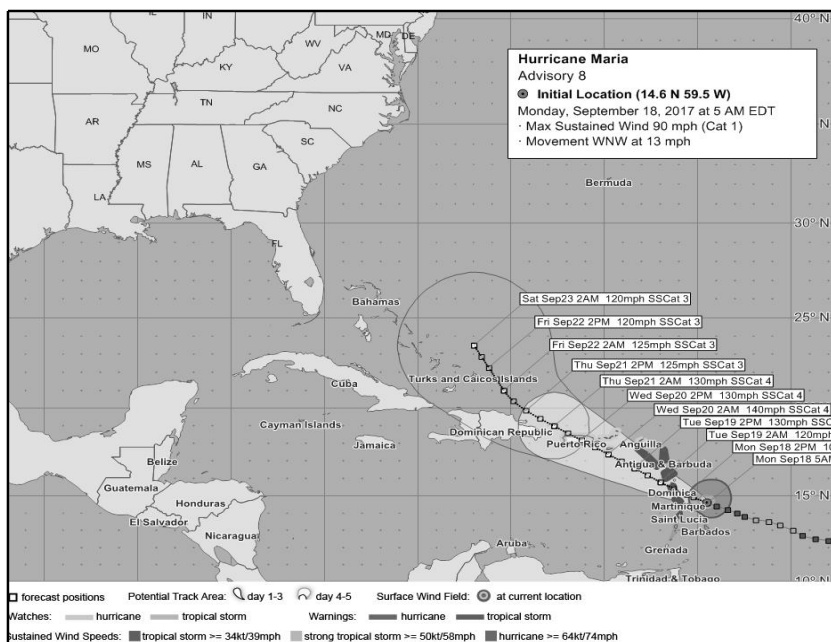
Hurricane Warning: Guadeloupe, Dominica, St. Kitts, Nevis, Montserrat, and Martinique

Tropical Storm Warning: Antigua and Barbuda, Saba and St. Eustatius, and St. Lucia

Hurricane Watch: USVI, the British Virgin Islands, Saba and St. Eustatius, St. Maarten, St. Martin and St. Barthelemy, and Anguilla

Tropical Storm Watch: Barbados and St. Vincent and the Grenadines.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum amounts of 20 inches, across the central and southern Leeward Islands, including PR and the USVI and British Virgin Islands, through Wednesday night. Rainfall on all of these islands could cause life-threatening flash floods and mudslides.



HURREVAC Image

Irma Recovery and Response Efforts

DOI Mission Assignments as of September 18, 2017:

There are currently a total of 184 DOI Personnel supporting the response under the Federal Emergency Management Agency (FEMA) mission assignments.

ESF	OFFICE	LOCATION	AMOUNT	PERSONNEL	CODES
5	USGS	Puerto Rico	\$200,000	0	PR-17090102-USGS-01
Description: To provide advance support, real-time field measurements, and daily reporting of water heights in direct support of federal response operations related to Irma					
5	USGS	Georgia Coast	\$135,000	11	GA-17083101-USGS-01

Description: Provide advance support, real-time field measurements, and daily reporting of water heights in direct support and for situational awareness of FEMA response operations for a high-water or flood event.					
5	USGS	SC Coast	\$170,000	0	9/7/2017
					SC-17083101-USGS-01
Description : Provide advance support, real-time field measurements, and daily reporting of water heights in direct support and for situational awareness of FEMA response operations for a high-water or flood event					
5	USGS	Florida Coast	\$482,500	10	3385EM-FL-USGS-01
Description: To provide advance support, real-time field measurements, and daily reporting of water heights in direct support of federal response operations related to Irma					
5	OEM	FEMA HQ	\$15,000	2	9/5/2017
					4337DR-FL-DOI-01
Description: Support SILC position activation at the National Response Coordination Center (NRCC).					
5	BIA	FL	\$15,000	1	9/13/2017
					MA: 3388EM-FL-DOI-01
Description: BIA Liaison to FL to help coordinate with the R-4 Tribal Liaison and the Seminole Tribe and other affected tribes in the FL during response and recovery issues and provide and coordinate the interagency Hurricane Tribal Assistance Coordination Group call. Estimated Arrival: 9/15/2017					
Personnel Description: One BIA EM person supporting remotely prior to JFO establishment.					
8	NPS	Florida	N/A	3	N/A
Description: Support patient movement, well water sampling, and HHS Operations Center.					
11	OEPC	FEMA HQ	\$10,000	1	9/5/2017
					PR-17090102-DOI-01
Description: Support ESF #11 position activation at the NRCC.					
13	Office of Law Enforcement & Security	All DOI Teams except QRT 7 are deployed.	DOI sub-tasked under DOJ's MA; total MA is \$7,269,245	79	MA#3388EM-FL-USDJ-01
Description: Mission Assignment approved for 125 officers to support the Seminole Tribe on a direct Federal assistance (DFA) mission.					
Location Description: DOI IRMA QRTs 2, 3, 5 made it to Hollywood, Florida to support the Seminole Tribe DFA mission. BIA ASAC Robert Mathis (QRT 5 team leader) is the Division Chief and has operational control of the teams. These personnel are assisting the Seminole Tribe with community policing, site security and distribution of commodities.					
Personnel Description:					

DOI IRMA QRT 2 : DEPLOYED 8 SEPTEMBER 25 - FWS-OLE					
DOI IRMA QRT 3 : DEPLOYED 10 SEPTEMBER 13 - USPP 8 - NPS 2 - OIG 2 - OLES					
DOI IRMA QRT 5 : DEPLOYED 10 SEPTEMBER 25 - BIA/TRIBAL (One Tribal Officer returned home yesterday to respond to an office emergency)					
BIA BUNKHOUSE : DEPLOYED 8 SEPTEMBER 2 - BIA support personnel 2 - BIA radio techs					
13	Office of Law Enforcement & Security	All DOI Teams except QRT 7 are deployed.	DOI sub-tasked under DOJ's MA; total MA is \$7,269,245	65	MA#3385EM-FL-USDJ-01
Description: Provide Law Enforcement Support for ESF-8 and ESF-9.					
Location Description: DOI IRMA QRTs 1, 4, and 6 have left Moody and relocated to Orlando pending their assignments. As of today Moody is no longer being used for ES13 staging.					
Personnel Description:					
DOI IRMA QRT 1 : DEPLOYED 10 SEPTEMBER 9 - NPS 6 - FWS Refuge					
DOI IRMA QRT 4 : DEPLOYED 10 SEPTEMBER 25 - BLM					
DOI IRMA QRT 6 : DEPLOYED 10 SEPTEMBER FWS Refuge - 13 BLM - 5 NPS - 4 OIG - 2 OLES - 1					
Non ESF	DOI Wide	Various	\$700,000	12	9/12/2017
					MA: 4377DR-FL-DOI-03
Description: US Department of Interior (DOI) provide DHS/FEMA with additional staff to support the Surge Capacity Force Team					
Personnel Description: Three person support team working out of DOI HQ to roster and deploy DOI members to support FEMA Surge Capacity Force requirements.					

DOI Emergency Support Function (ESF) Support:**ESF #5 (Information and Planning)**

- *ESF #5 - United States Geological Survey (USGS):* In Florida, 10 USGS personnel were in the field September 17 retrieving storm surge sensors and analyzing data under MA 3385EM-FL-USGS-01, and 120 surge sensors have been retrieved to date. A total of four storm surge sensors were lost in the storm and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged and 30 HWMs have been surveyed in Florida alone. In Georgia, nine USGS personnel were in the field retrieving storm surge sensors and flagging HWMs under MA GA-17083101-USGS-01. In Georgia, a total of 58 surge sensors have been retrieved and 42 HWMs have been flagged to date. While no personnel are currently deployed to PR, 25 HWMs have been flagged to date.

ESF #13 (Public Safety and Security)

- *ESF #13 - Office of Law Enforcement and Security (OLES):* In support of ESF #13, Public Safety and Security, interagency Quick Response Teams (QRTs) that are in the USVI will relocate to San Juan, PR this evening. They will return to USVI, if needed, after Maria passes. DOI Irma QRTs 1, 4, and 6 are still located in Orlando, Florida, pending their assignment. DOI Irma QRTs 2, 3, and 5 are supporting the Seminole Tribe on a direct Federal assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

DOI Bureau and Office Reporting:**National Park Service - Irma Update**

Source: National Park Service – September 17, 2017

The Eastern Incident Management Team (EIMT) continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT will be reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down on ladder and roof operations until a full review of the incident is completed. The EIMT is also continuing relocation plans for USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

Parks have completed 100% accountability for all employees and their priorities remain as follows:

- Employee mental and physical safety

- Restore services and access to the parks
- Remove debris
- Provide support to employees who were impacted by Hurricane Irma.

The following park updates were provided by NPS:

- *Virgin Islands (VIIS)* - Closed - Relocation efforts are underway. A large vessel is scheduled to depart St. John Island at 9:00 a.m. EDT this morning, heading to Porta Del Rey, Puerto Rico to clear U.S. Customs. Individuals will check-in with NPS to be issued supplies and food, and then will board buses to shelter; bags and pets will be tagged, crated as necessary. A physician will be onsite to provide medical assistance as needed. Housing has already been determined, with families with children going to Discovery Center. Approved staff will be lodged in hotels, while non-essential staff will be placed throughout the region as capable in conjunction with the Southeast Regional Office (SERO) and parks in the southeast Region.
- *San Juan (SAJU)* - Open – SAJU is housing the Incident Command Team. Activating the hurricane plan and working on relocation and sheltering plans. Coordinating the logistics plan and an employee post-storm plan for tent city in San Cristobal, Puerto Rico.
- *Christiansted (CHRI)* - Open - The implementation of the severe weather plan is in effect and employee information rosters are being updated. Internet service is still down. The site is operating on generator power and all of the generators have fuel, have been tested, and are in working order. Supplies are being evaluated for distribution to personnel.
- *Big Cypress (BICY)*: The preserve received a fuel delivery of 1,500 gallons of unleaded and 3,000 gallons of diesel to accommodate generators and other emergency uses. The drinking water issue has been addressed and the preserve received a shipment of potable water, however, the boil water notice remains in effect. Portable toilets have arrived on station for personnel. The preserve is still in need of supplies, personnel, and services; additional logistics personnel have been requested, as well as additional local safety officers
- *Biscayne (BISC)* - Closed - Assessment teams have arrived on site, but were unable to access the dock due to public usage of the entire docking area. Teams are awaiting assistance to have the dock cleared before continuing assessments. Portions of the boardwalk were found to be either damaged or missing. The water main was repaired and the fire system is being recharged and tested for operation.
- *Everglades (EVER)* - Closed - Airboat Concessions will begin operating and Marine waters are open with a Notice to Mariners posted. Monroe County has issued a boil water notice in effect.

- Gulf Coast - Cleanup efforts continue; fuel was delivered. Two displaced Rangers are being housed on site in a shared capacity. They will be issued a generator for power.
- Northeast - The Shark Valley signs on Hwy 41 were destroyed. Trees partially blocking the gate, access road, and parking lot. The Tram Road-west is impassable and 3 miles of the southern end is under water. There is standing water in the VC entrance, but otherwise seems to have sustained no damage.
- Pine Island - Fuel for the generators is now on site. The Main Park Road entrance gate will be staffed 24/7 to allow displaced residents access homes to retrieve personal effects.
- Flamingo - Cleanup efforts continue; fuel arrived on site.
- Key Largo - Rangers were able to access Florida Bay and found extensive debris scattered throughout. Numerous vessels grounded or pushed into mangroves suffering severe damage. The vessels were boarded to confirm casualties; none were found. There was a strong smell of fish kill, but none were located. The North nest key facilities were destroyed.
- *De Soto (DESO)* - Closed - Power and phones service has been restored, but internet is still out. Cleanup continues with downed tree removal and removing docks that have washed up on the north shore. A CANA team is scheduled to arrive tomorrow and will be providing FMSS support remotely.
- *Canaveral (CANA)* - Partially open - The park's focus remains on recovery operations. The park is open and operating with the exception of a portion of the docks on the Loom side. CANA is coordinating with DESO regarding access to NPS's Planning, Environment, and Public Comment (PEPC) site.
- *Castillo de San Marcos (CASA)* - Open - Downed trees remain, but they do not restrict visitor access. A damage assessment team is scheduled to arrive at the park today. There is still no restroom accessibility to guests.
- *Timucuan (TIMU)* - Closed - Power, phones, and internet service have been restored to the Fort Caroline (FOCA) Visitor's Center (VC) and the headquarters (HQ). Cleanup crews have cleared the FOCA VC area and trails of debris and will reopen today. Power is still out at Kingsley Plantation (KP) is still without power and will remain closed. The Cedar Point boat launch is open to the public, but the trail system and the Theodore Roosevelt area (TRA) will remain closed until they are cleared of debris. The park is in line for an Arborist Incident Response (AIR) Team and saw crews.

- *Southern Florida Caribbean Network (SFCN) - Closed* - The Palmetto Bay office will reopen today and damage assessments inside the building will commence. There are two employees from St. John Island that may require relocating before or after Hurricane Maria passes through the area.
- *Fort Pulaski (FOPU) - Closed* - All park personnel, with the exception of LE, were taking some much needed time off on Sunday.
- *Cumberland Island (CUIS) / Ft. Frederica (FOFR) - Closed* – Power capabilities are 100% at mainland buildings, though the VC is still without power or internet service. There are 2 saw crews working to clear the main road to facilitate the power company's needs. An arborist crew continues working on the cultural landscapes. An interagency assessment team comprised of The Georgia Department of Natural Resources (DNR), the U.S. Coast Guard (USCG), the U.S. Army Corps of Engineers (USACE), the City of St. Marys, and the NPS completed work and are preparing paperwork to go forward with repairs. The USCG is taking the lead on cleaning up the St. Marys waterfront and getting the city's downtown area up and running. Roads are generally passable, but there is still lots of debris cleaning to be done island-wide.
- *Fort Sumter (FOSU) - Partially open*. Crews began debris and mud removal at the fort. Initial inspections on the dock were not as bad as anticipated, but still require underwater verifications to the extent of any damage.

U.S. Fish and Wildlife Service - Irma Update

Source: U.S. Fish and Wildlife Service (FWS) – September 17, 2017

The U.S. Fish and Wildlife Service (FWS) reports a total of 52 FWS Stations closed across the response area due to Irma.

Incident Management Team (IMT): The IMT continued work to support Big Cypress National Preserve for stabilization and community assistance in Immokalee, Florida. The IMT also cut trails and roads for entrance and exit to Crocodile Lake National Wildlife Refuge (NWR) and provided support to the Key Deer and other Response Groups as needed.

Bureau of Indian Affairs

Source: Bureau of Indian Affairs (BIA) Notes – September 17, 2017

The FEMA Region IV Tribal Liaison continues to stay in contact and support the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida.

Seminole Tribe of Florida - Three shelters remain open with 25 occupants. The shelters continue their usage as cooling and feeding stations for tribal members. The Big Cypress Reservation continues to have power issues, but should be receiving relief soon. Points of Distribution

(POD) commodities (meals and water) and are being distributed to Big Cypress and Brighton reservations; Tribal POD stations are open and distributing ice and other sundried items. Big Cypress Reservation Police Department emergency services are expected to be back online soon. Big Cypress Reservation EOC will remain on full activation until power is restored.

Miccosukee Tribe of Indians of Florida - There are no current issues or unmet needs.

United States Geological Survey

Source: United States Geological Survey (USGS) – September 17, 2017

The Caribbean Florida Water Science Center (CFWSC) has four personnel in the field making discharge measurements, repairing gages, and flagging for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico this reporting period.

Federal Emergency Management Agency

Source: FEMA National Situation Report – September 18, 2017

FEMA Headquarters:

- NRCC: Level I (Day Shift); Level II (Night Shift); NWC: Steady State
- National IMATs: East-1 (FL EOC); East-2 (Redeploying to PR CAD)
- Red IST relocating to PR

FEMA Region II:

- RRCC at Level II, Partial Activation (Day Shift), Level III, Partial Activation (Night Shift)
 - Transitioning to Level II (24/7) at 8:00 a.m.

FEMA Region IV:

- RRCC at Level II (24/7)
- Region IV IMAT-1 at FL EOC and Region IV IMAT-2 at GA EOC
- Region IV LNOs at FL, SC, GA, NC, AL, and Seminole Tribe EOCs (1 each)
- FL, USVI, and PR EOCs at Full Activation; State of Emergency declared; FEMA IOF operational in Tallahassee
- Seminole Tribe of Florida EOC at Full Activation (all ESFs)
- Miccosukee Tribe EOCs (2) at Full Activation
- Alabama, GA, MS EOCs at Partial Activation
- Tennessee EOC at Monitoring

Harvey Response and Recovery - Southeastern Texas

DOI Mission Assignments (MAs) as of September 18, 2017:

There are currently a total of 60 DOI Personnel supporting the response under the FEMA mission assignments.

ESF	OFFICE	LOCATION	AMOUNT	PERSONNEL	CODES
4	Office of Wildland Fire	Beaumont, TX	\$3M	29	8/28/2017
			Subtasked under ESF-4		4332DR-TX-USFS-04
Description: Provide logistical support to multiple Incident Support Bases (ISBs), Federal Staging Area (FSAs), or other logistics facility.					
Personnel Description: 29 Total -7 NPS; 1 BIA; 21FWS; 1 BLM					
5	USGS	Corpus Christi, TX along the coast through the Houston impact area	\$1,000,000	24	8/26/2017
					4332DR-TX-USGS-01
Description: To provide advance support, real-time field measurements, and daily reporting of water heights in direct support of federal response operations related to Harvey					
Personnel Description: 26 personnel in the field today flagging and surveying High Water Marks (HWMs)					
8	NPS	Texas	N/A	5	N/A
Description: Support patient movement and HHS Operations Center					
15	Office of Communications	Austin, TX	\$10,000	1	09/03/2017 4332DR-TX_DOI-09
Description: Provide Public Affairs SME to support the FEMA Joint Information Center in Austin, TX. (USGS person deployed)					
NCR RSF	OEPC	Austin, TX	\$56,910	1	Natural Cultural Resources (NCR) RSF 4332DR-TX_DOI-08
Description: Natural and Cultural Resources RSF to provide SME for federal coordination with RSF and support agencies					

DOI Emergency Support Function (ESF) Support:

ESF #5 (Information and Planning)

- **ESF #5 - USGS:** Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs under MA 4332DR-TX-USGS-01 in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed.

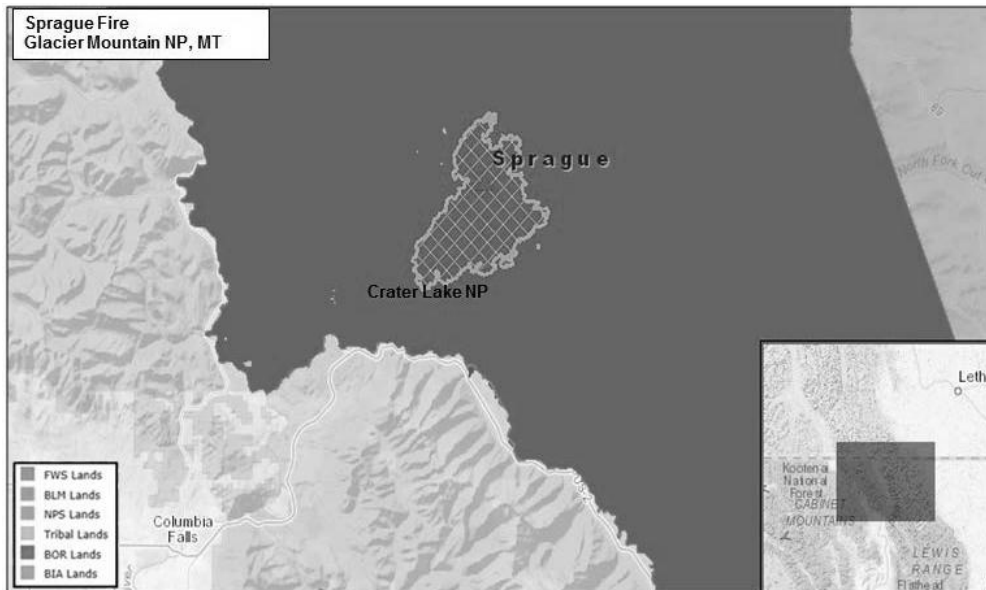
Wildland Fire Activity

Source: *Fire and Aviation Management Website - September 18, 2017*

The **Mustang Fire** (Idaho), the **Rankin Fire** (South Dakota), the **Wolverine Fire** (Montana), the **East Fork Fire** (Montana), and the **Cottonwood Fire** (Nevada) all reached 100% containment and will not be summarized today's report.

Montana

Sprague Fire



IGEMS Image

- Start Date: August 10
- Location: Glacier National Park, MT (NPS)
- Burned Acres: 16,790 (+795)
- Containment: 60-percent (no change)
- Management: Type-2 IMT
- Personnel Assigned / DOI: 171 (+2) / 63 (-26)
- Structures Threatened-Single-Mixed Residential / Commercial: 238 (no change) / 48 (no change)
- Evacuations / Shelter in place: 0 (no change) / 4 (no change)
- Civilian Injuries / Fatalities: 0 (no change) / 0 (no change)
- Responder Injuries / Fatalities: 0 (no change) / 0 (no change)
- Containment Date: November 1

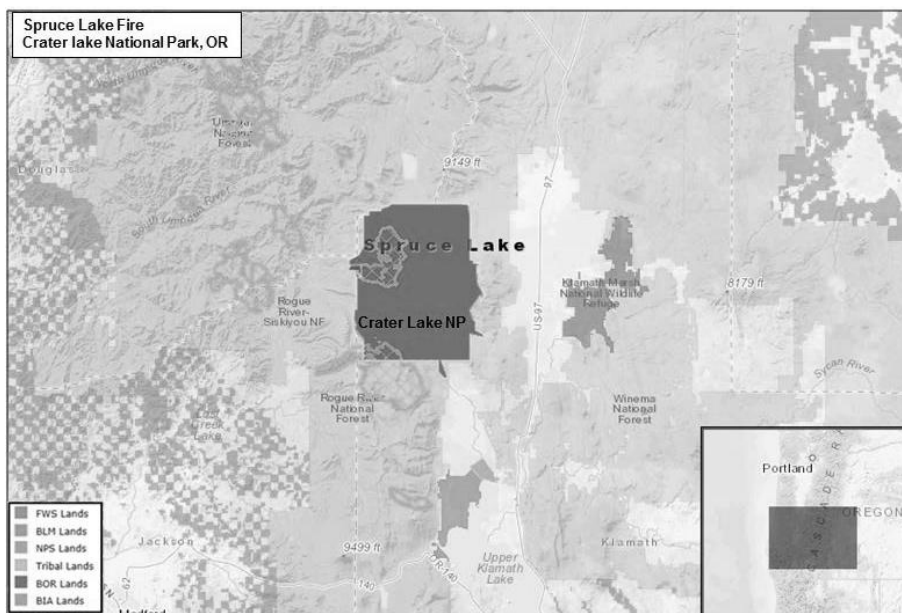
Comments: Fire behavior was described as active during this reporting period with backing, flanking, and single tree torching. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. The Sprague Fire is currently being managed under a combined Monitor (40%), Point Zone Protection (40%), and Confinement (20%) strategy.

Oregon

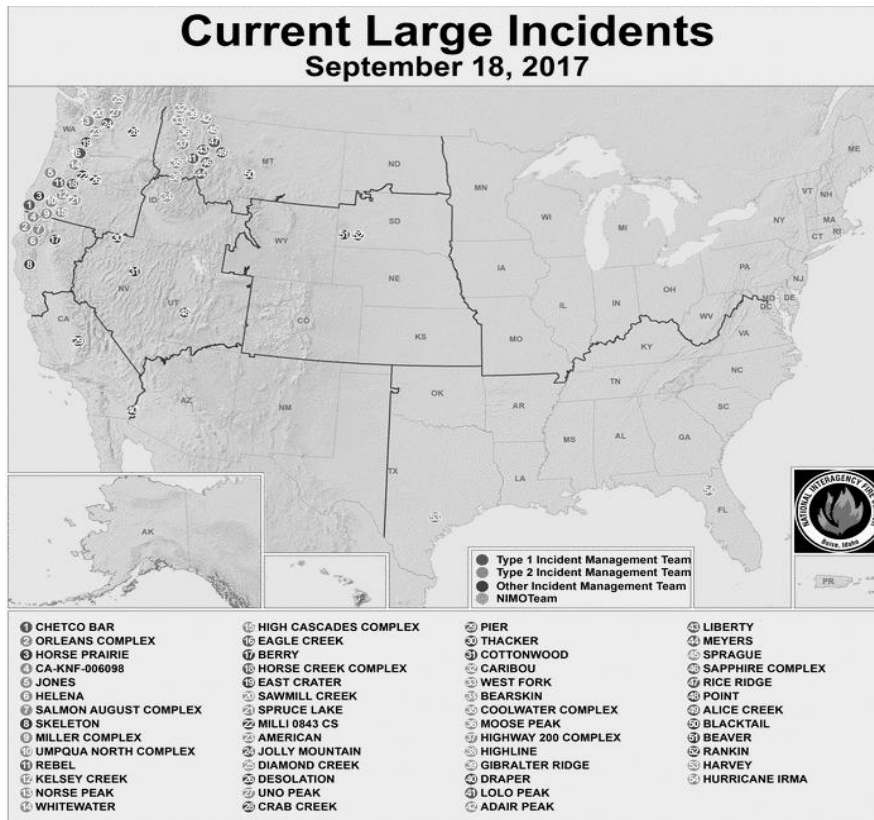
Spruce Lake Fire

- Start Date: July 29
- Location: Crater Lake National Park (NPS)
- Burned Acres: 15,826 (+166)
- Containment: 22-percent (-5)
- Management: Type-2 IMT
- Personnel Assigned / DOI: 41 (+1) / 0 (no change)
- Structures Threatened-Single-Mixed Residential / Commercial: 39 (+4) / 13 (no change)
- Evacuations / Shelter in place: 0 / 0 (no change)
- Civilian Injuries / Fatalities: 0 / 0 (no change)
- Responder Injuries / Fatalities: 1 / 0 (no change)
- Containment Date: October 15

Comments: Fire behavior was described as moderate with single tree torching and uphill runs. Fire behavior should remain minimal with significant moisture forecast to move into the area. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. The Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire.



Large Fire Map



Wildland Fire Incident Management Situation Report

Source: *National Interagency Fire Center – September 18, 2017*

National Preparedness Level 5

National Fire Activity

Initial attack activity:	Light (64 new fires)
New large fires:	1
Large fires contained:	3
Uncontained large fires: **	20
Area Command Teams committed:	2
NIMOs committed:	4
Type 1 IMTs committed:	9
Type 2 IMTs committed:	24

** Uncontained large fires include only fires being managed under a full suppression strategy.

Volcano Activity

Bogoslof Volcano, AK

Source: U.S. Geological Survey, Alaska Volcano Observatory (AVO) – September 17, 2017

Alert Level = WATCH

Color Code = ORANGE

Unrest continues at Bogoslof Volcano, but no significant activity was observed in seismic or infrasound data during this reporting period. Slightly elevated surface temperatures were observed in several satellite images over the past day. Bogoslof Volcano remains in an unpredictable condition, and activity can escalate quickly with explosions producing high-altitude (>15,000 ft) volcanic clouds with little to no detectable precursory activity. A Temporary Flight Restriction (TFR) remains in effect over the volcano.

Cleveland Volcano, AK

Source: U.S. Geological Survey, Alaska Volcano Observatory (AVO) – September 17, 2017

Alert Level = WATCH

Color Code = ORANGE

Low-level unrest continues at Cleveland Volcano, and no activity was observed in seismic or infrasound data during this reporting period. Slightly elevated surface temperatures were observed in one satellite image over the past day. Cleveland Volcano is monitored with a limited real-time seismic network, which inhibits AVO's ability to detect precursory unrest that may lead to an explosive eruption.

Kilauea Volcano, HI

Source: U.S. Geological Survey, Hawaiian Volcano Observatory (HVO) – September 17, 2017

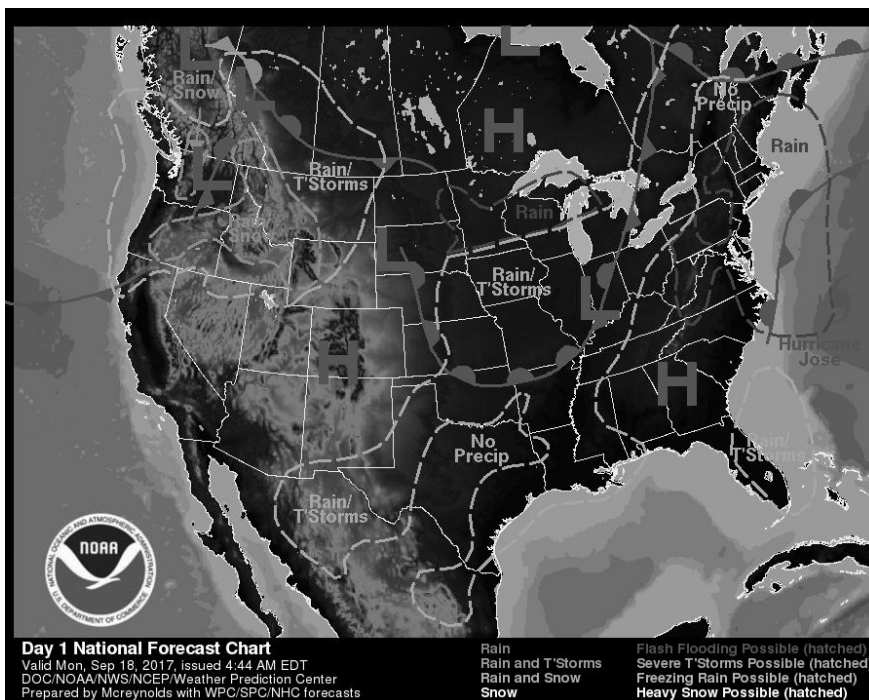
Alert Level = WATCH

Color Code = ORANGE

Kilauea Volcano continues to erupt at its summit and from the Pu‘u ‘Ō‘ō vent on its East Rift Zone, and the episode 61g lava flow continues to enter the ocean at Kamokuna. Surface flows remain active above the pali and on the coastal plain, but these flows pose no threat to nearby communities. Low rates of ground deformation and seismicity continue across the volcano.

Significant National Weather

Source: National Weather Service - September 18, 2017



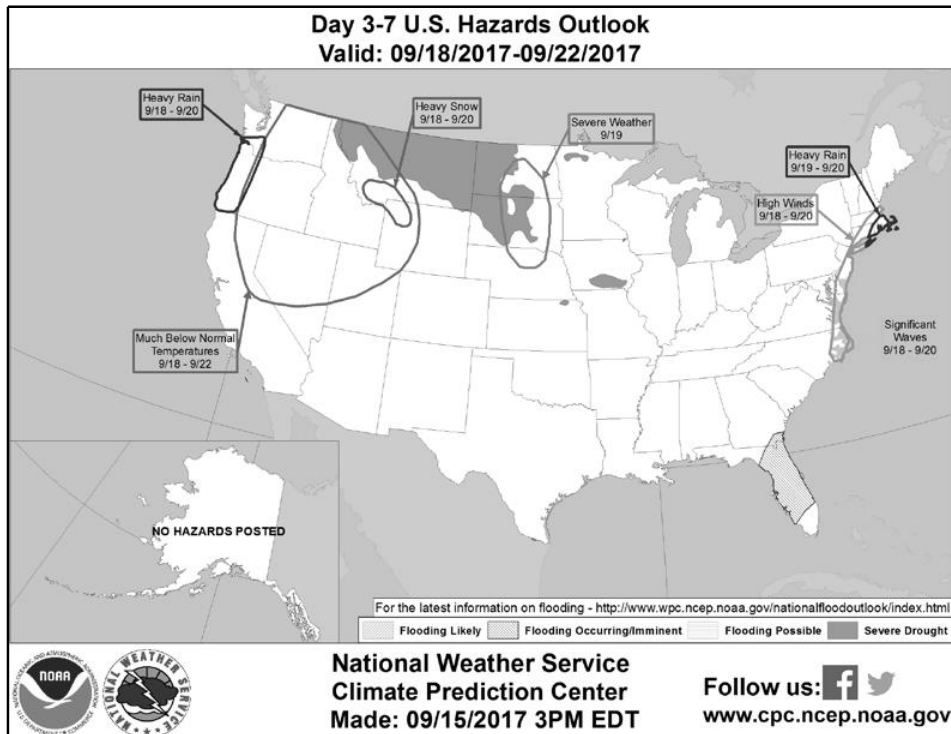
Today

Rain and thunderstorms are expected from the Mississippi River eastward to the East Coast. Showers and thunderstorms will once again develop over portions of California, the Great Basin, the Rockies, and the northern Great Plains.

Tomorrow

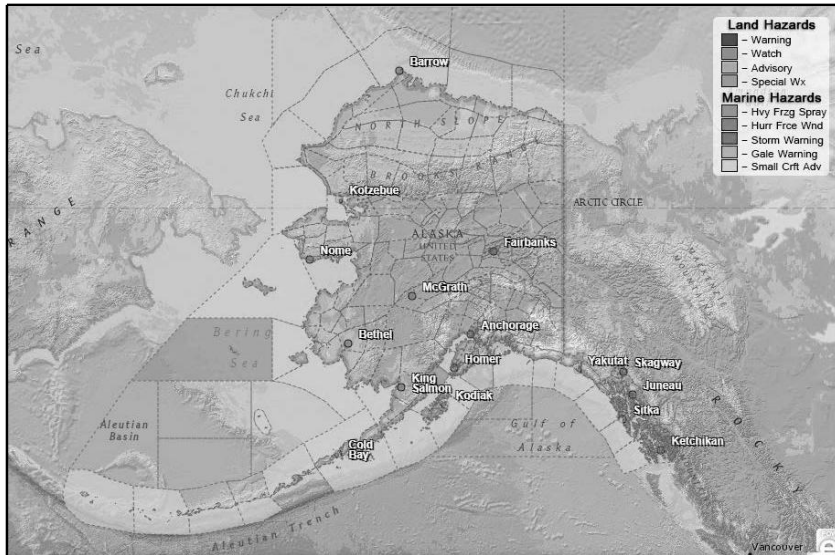
Rain showers will be possible for portions of the central and southern Appalachians. Rain and thunderstorms will develop from the Northeast and New England, south along the mid-Atlantic coast to Florida and the Gulf Coast to the Mississippi Delta region. A frontal boundary will stretch from northern New England through the Great Lakes to the upper Midwest, the northern Plains, and the northern Rockies. Rain and thunderstorms will develop from the upper Midwest and western Great Lakes west across the northern Plains to the Rockies, the Four Corners, and the Great Basin. Isolated severe hail and wind storms are possible across parts of the upper Midwest during the late afternoon and evening, and the Four Corners area during the afternoon. Light rain showers will be possible for a small portion of southern California.

Weather Hazard Assessment



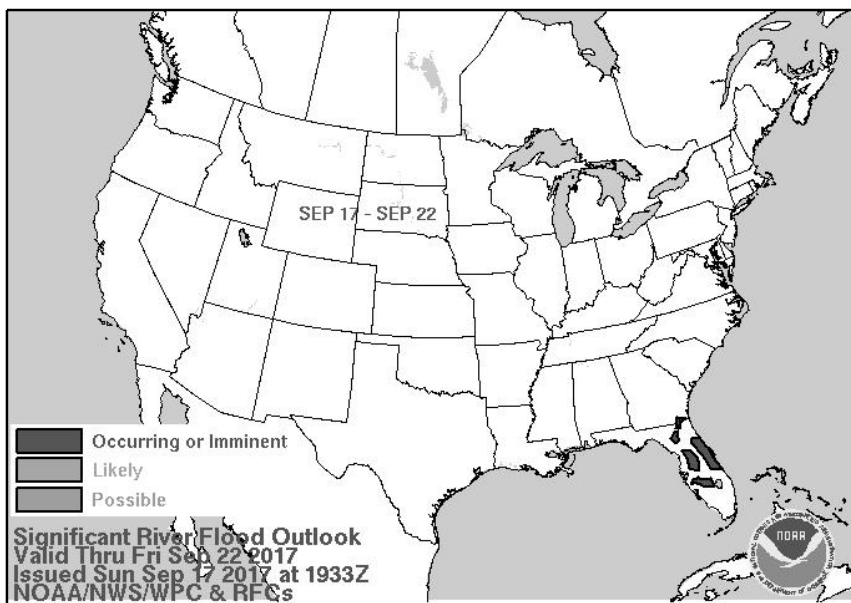
- September 18-20: Severe drought across parts of the northern Rockies, the northern and central Great Plains, the Corn Belt, Minnesota, the Rio Grande Valley, and Hawaii.
- September 18-20: Significant waves shifting north from coastal parts of the Outer Banks to New England.
- September 18-20: Periods of heavy snow for parts of the northern Rockies.
- September 18-20: Periods of heavy rain for parts of the Pacific Northwest.
- September 19: Heavy rain for parts of the Pacific Northwest.
- September 19 - 20: Heavy rain for portions of Long Island and southeast New England.
- September 23-24: A slight risk of much below-normal temperatures for parts of the western U.S.

Alaska Weather



A Gale Warning is in effect from St. Matthew Islands waters and west of the Barren Islands, including Kamishak Bay. There is a Small Craft Advisory in effect from Kiska to the Barren Islands, Pribilof Islands, from Cape Suckling to Cape Decision, north and west of Nunivak Island, Bristol Bay, and from Wales to the Kotzebue Sound. A Flood Advisory is in effect for the upper Koyukuk Valley, the Baldwin Peninsula, the Selawik Valley, the lower Kobuk and Noatak valleys, and the upper Kobuk and Noatak valleys.

Significant River Flooding



Significant river flooding is occurring or imminent across portions of Florida and Georgia.

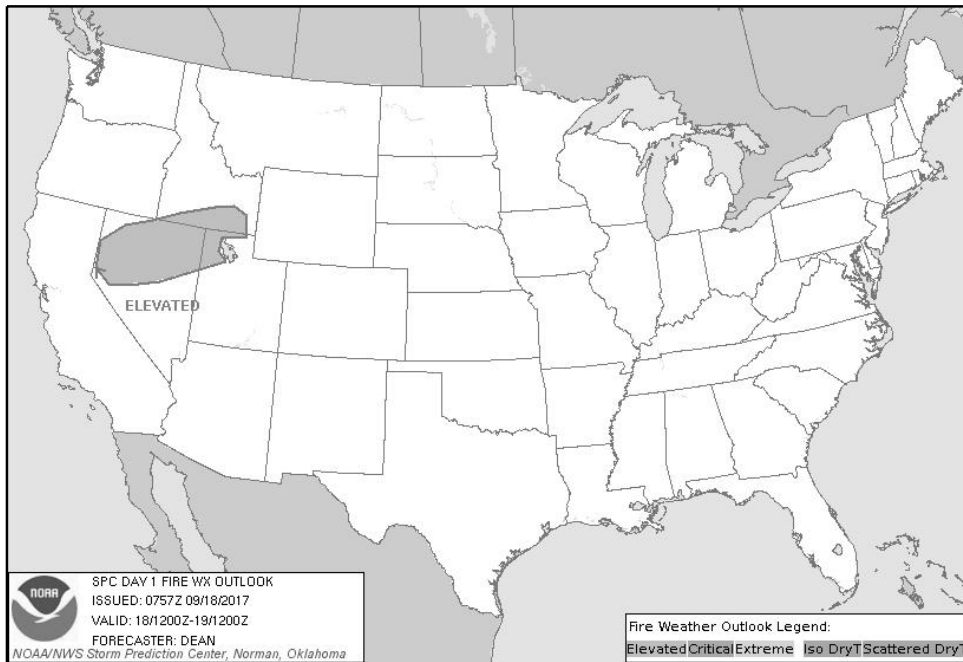
Severe Weather

There is no severe weather forecast today across the U.S.

Tornado Weather

There is a less than 2-percent chance of tornado activity today across the U.S.

Fire Weather

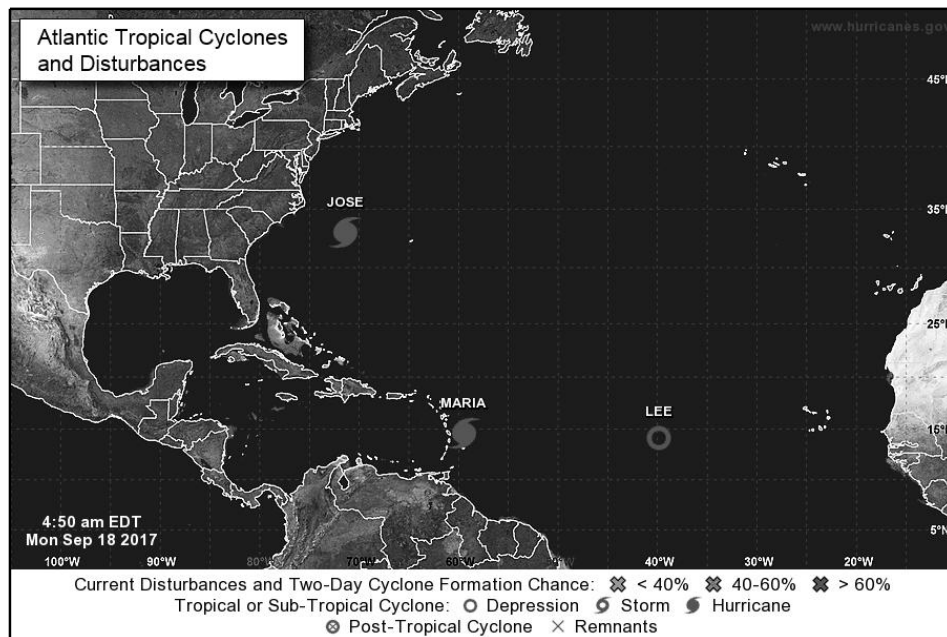


There is Elevated Fire Weather forecast today across northern Nevada, southern Idaho, and northwestern Utah.

Tropical Weather Activity

Source: National Weather Service/National Hurricane Center – September 18, 2017

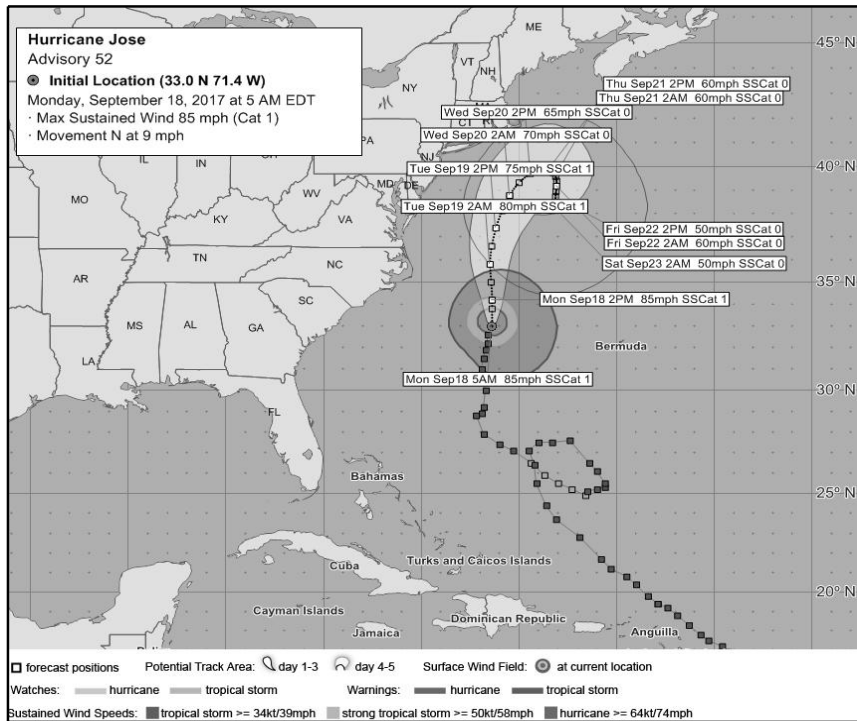
Atlantic Ocean/Caribbean Sea/Gulf of Mexico



Hurricane Jose

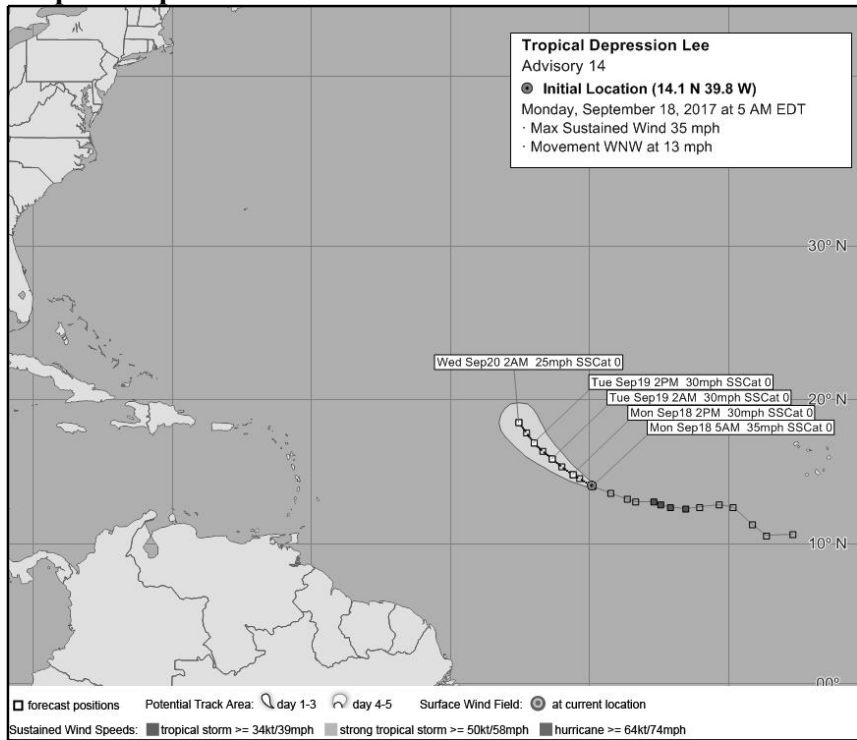
At 5:00 a.m. EDT, the center of Hurricane Jose was located approximately 280 miles southeast of Cape Hatteras, North Carolina, and moving toward the north near 9 mph. This general motion is expected to continue through tonight, but a turn toward the north-northeast is expected tomorrow. Maximum sustained winds are near 85 mph, with higher gusts. Some gradual weakening is forecast during the next 48 hours; however, Jose should remain a hurricane through tomorrow night. Dangerous surf and rip currents are expected along the east coast of the U.S.

A Tropical Storm Watch is in effect for Fenwick Island, Delaware to Sandy Hook, New Jersey, Delaware Bay South, from East Rockaway Inlet to Plymouth, New Jersey, Block Island, Rhode Island, Martha's Vineyard, Massachusetts, and Nantucket, Massachusetts.



HURREVAC image

Tropical Depression Lee



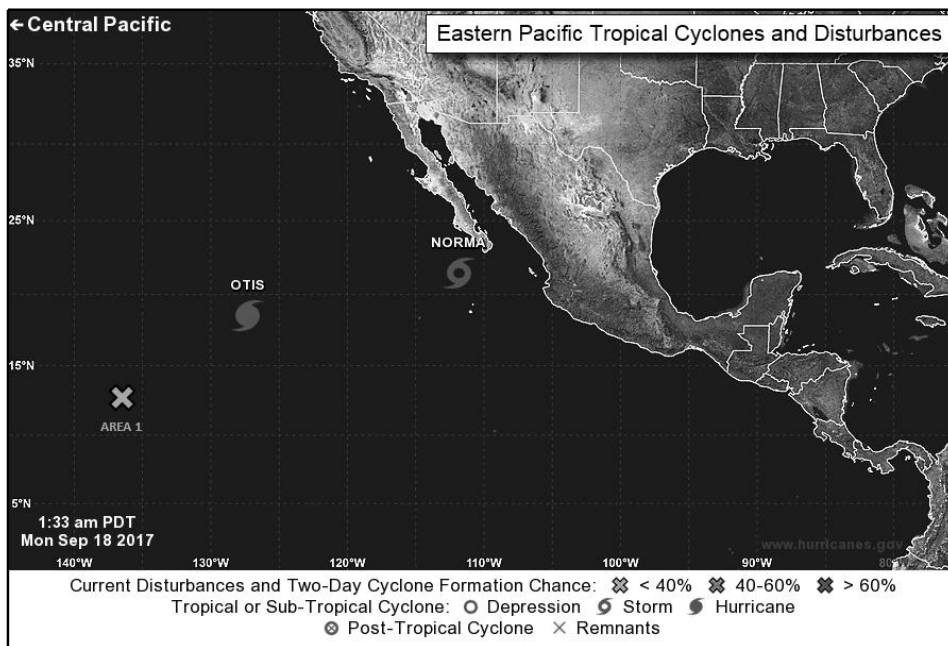
HURREVAC image

At 5:00 a.m. EDT, the center of Tropical Depression Lee was located approximately 1,060 miles west of the Cabo Verde Islands. Lee is moving toward the west-northwest near 13 mph, and this motion is expected to continue during the next 48 hours. Maximum sustained winds are near 35 mph, with higher gusts. Weakening is forecast during the next 48 hours, and Lee could degenerate into a remnant low by tonight. There are no coastal watches or warnings in effect.

Hurricane Maria:

Hurricane Maria is summarized in the beginning of this report.

Eastern Pacific Ocean



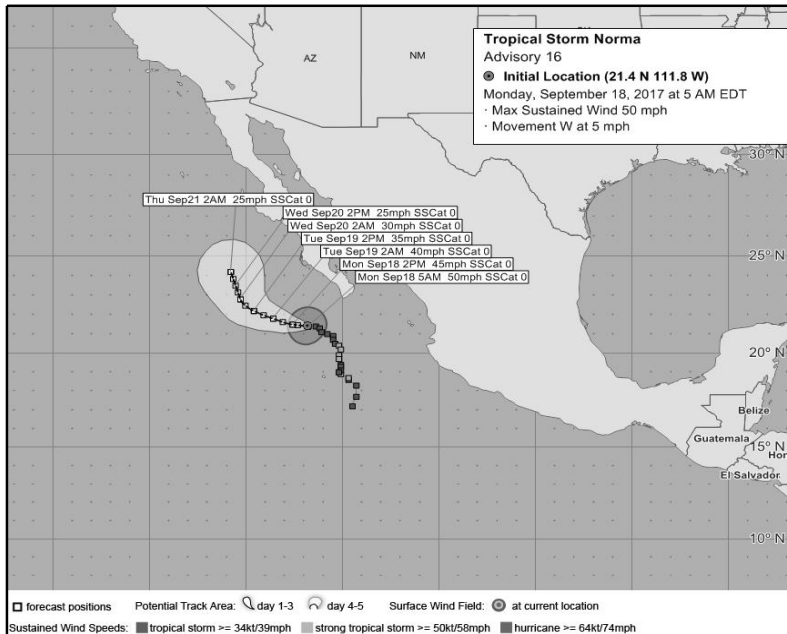
Area 1

A trough of low pressure located about 1,300 miles east-southeast of the Hawaiian Islands is producing disorganized showers and thunderstorms. Development, if any, of this system should be slow to occur while it remains nearly stationary during the next few days. This system has a 10-percent chance of becoming tropical formation through the next 48 hours.

Tropical Storm Norma

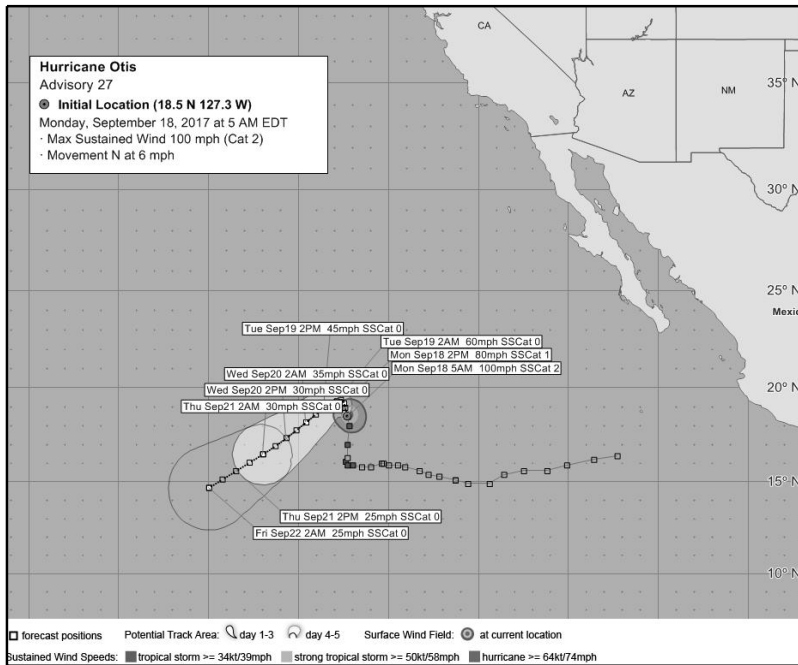
At 5:00 a.m. EDT, the center of Tropical Storm Norma was located approximately 160 miles southwest of Cabo San Lucas, Mexico. Norma is moving toward the northwest near 5 mph. The storm is expected to turn toward the west-northwest and to continue that general direction for the next couple of days. Maximum sustained winds are near 50 mph, with higher gusts. Some

weakening is expected during the next 48 hours, and Norma could become a tropical depression by tomorrow. There are no coastal watches or warnings in effect.



HURREVAC image

Hurricane Otis



HURREVAC image

At 5:00 a.m. EDT, the center of Hurricane Otis was located approximately 1,165 miles west-southwest of the southern tip of Baja, California. Otis is moving toward the north near 6 mph. A slower northward motion, followed by a turn to the west and southwest, is expected by late tomorrow. Maximum sustained winds are near 100 mph, with higher gusts. Rapid weakening is forecast during the next 48 hours. Otis is expected to remain far offshore. There are no coastal watches or warnings in effect.

****End of Report****

Distribution:

Assistant Secretaries
Bureau Heads
Deputy Assistant Secretaries
EM Coordinators and Alternates
EM-ICAT
EM-Incident Support Team
EM-Regional Emergency Management Contacts
IOS Senior Officials*
Select Individuals/Interagency Partners

To: Flanagan, Denise[denise_flanagan@ios.doi.gov]
Cc: Limon, Raymond[raymond_limon@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov]; Mary Pletcher[mary_pletcher@ios.doi.gov]; Lawson, Christopher[christopher_lawson@ios.doi.gov]; Adrienne Moss[adrienne_moss@ios.doi.gov]
From: Ferriter, Olivia
Sent: 2017-09-18T08:11:53-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-18T08:12:02-04:00

My edits are included below. Thanks. Olivia

VERA/VSIP Authority:

The Department seeks Voluntary Separation Incentive Payments (VSIP) authority and Voluntary Early Retirement Authority (VERA) to provide maximum flexibility to bureaus and offices to effectively achieve real-time workforce reshaping efforts while minimizing the lengthy and cumbersome outside agency review process. The delegation of authority would be similar to that delegated to the Department of Defense.

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Change Pay Retention for Management Directed Reassignments Outside of Geographic Area:

The Department seeks a change in mandatory pay retention regulations as a result of management action such as a geographic transfers. [See 5 CFR 536.303(b) and 536.304.] This change will allow the Department to realize immediate cost reductions by relocating employees to geographic locations with lower locality pay. Under the current regulation, potential cost savings are not realized for at least two years due to pay retention regulations related to moving staff away from large urban centers.

Olivia Barton Ferriter
Deputy Assistant Secretary - Budget, Finance, Performance and Acquisition
U.S. Department of the Interior
1849 C St. NW MS 7228, Washington, DC 20240
Desk: 202-208-4881 Cell: 202-251-4139 FAX: 202-208-1067
Olivia_Ferriter@ios.doi.gov

On Fri, Sep 15, 2017 at 6:34 PM, Flanagan, Denise <denise_flanagan@ios.doi.gov> wrote:

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

Denise,

Per our short chat during the OMB meeting, we wanted to share some placeholder language for need legislation in support of our agency reform:

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Let me know if this is helpful or if you have any questions,

Thanks, Ray

--

Raymond A. Limon
Director, Office of Human Resources
Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

--

Denise Flanagan, CDFM
Director, Office of Budget
U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Micah Chambers[micah_chambers@ios.doi.gov]
From: Cameron, Scott
Sent: 2017-09-18T10:40:58-04:00
Importance: Normal
Subject: Fwd: New HR-related legislative language for the FY 19 budget
Received: 2017-09-18T10:41:35-04:00

Per our hallway conversation.

I am guessing the pay retention item will either be included in the Pres Bud government-wide or not appear at all.

Thanks,

Scott

Scott J. Cameron

Principal Deputy Assistant Secretary for Policy, Management and Budget

Office of the Secretary of the Interior

Desk 202 208 4242

Cell 202 706 9031

----- Forwarded message -----

From: **Cameron, Scott** <scott_cameron@ios.doi.gov>

Date: Fri, Sep 15, 2017 at 7:46 PM

Subject: New HR-related legislative language for the FY 19 budget

To: James Cason <james_cason@ios.doi.gov>

Jim,

When we were talking to OMB about HR issues this afternoon, they encouraged us to float some additional ideas as legislative provisions to add to our FY 19 budget request.

We came up with the three ideas below.

(b)(5)

(b)(5)

Unless directed otherwise, I plan to forward these to OMB at COB Monday.

Thanks,

Scott

Scott J. Cameron

Principal Deputy Assistant Secretary for Policy, Management and Budget

Office of the Secretary of the Interior

Desk 202 208 4242
Cell 202 706 9031

----- Forwarded message -----

From: **Flanagan, Denise** <denise_flanagan@ios.doi.gov>
Date: Fri, Sep 15, 2017 at 6:34 PM
Subject: Re: HR-related legislative language
To: "Limon, Raymond" <raymond_limon@ios.doi.gov>, Scott Cameron <scott_cameron@ios.doi.gov>, Olivia Ferriter <olivia_ferriter@ios.doi.gov>
Cc: Mary Pletcher <mary_pletcher@ios.doi.gov>, "Lawson, Christopher" <christopher_lawson@ios.doi.gov>, Adrienne Moss <adrienne_moss@ios.doi.gov>

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

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Let me know if this is helpful or if you have any questions,

Thanks, Ray

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Raymond A. Limon
Director, Office of Human Resources
Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

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U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Cameron, Scott[scott_cameron@ios.doi.gov]
Cc: Ferriter, Olivia[olivia_ferriter@ios.doi.gov]; Flanagan, Denise[denise_flanagan@ios.doi.gov]; Limon, Raymond[raymond_limon@ios.doi.gov]; Mary Pletcher[mary_pletcher@ios.doi.gov]; Lawson, Christopher[christopher_lawson@ios.doi.gov]
From: Moss, Adrienne
Sent: 2017-09-18T13:03:38-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-18T13:04:26-04:00

Thank you, Scott.

On Mon, Sep 18, 2017 at 1:01 PM, Cameron, Scott <scott_cameron@ios.doi.gov> wrote:

Looks good to me. Jim Cason is aware and does not object to any of these.

Thanks,
Scott
Scott J. Cameron
Principal Deputy Assistant Secretary for Policy, Management and Budget
Office of the Secretary of the Interior
Desk 202 208 4242
Cell 202 706 9031

On Mon, Sep 18, 2017 at 8:11 AM, Ferriter, Olivia <olivia_ferriter@ios.doi.gov> wrote:

My edits are included below. Thanks. Olivia

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Desk: 202-208-4881 Cell: 202-251-4139 FAX: 202-208-1067
Olivia_Ferriter@ios.doi.gov

On Fri, Sep 15, 2017 at 6:34 PM, Flanagan, Denise <denise_flanagan@ios.doi.gov> wrote:

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks!
Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

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To: Ferriter, Olivia[olivia_ferriter@ios.doi.gov]
Cc: Flanagan, Denise[denise_flanagan@ios.doi.gov]; Limon, Raymond[raymond_limon@ios.doi.gov]; Mary Pletcher[mary_pletcher@ios.doi.gov]; Lawson, Christopher[christopher_lawson@ios.doi.gov]; Adrienne Moss[adrienne_moss@ios.doi.gov]
From: Cameron, Scott
Sent: 2017-09-18T13:01:41-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-18T13:02:19-04:00

Looks good to me. Jim Cason is aware and does not object to any of these.

Thanks,
Scott
Scott J. Cameron
Principal Deputy Assistant Secretary for Policy, Management and Budget
Office of the Secretary of the Interior
Desk 202 208 4242
Cell 202 706 9031

On Mon, Sep 18, 2017 at 8:11 AM, Ferriter, Olivia <olivia_ferriter@ios.doi.gov> wrote:

My edits are included below. Thanks. Olivia

VERA/VSIP Authority:

The Department seeks Voluntary Separation Incentive Payments (VSIP) authority and Voluntary Early Retirement Authority (VERA) to provide maximum flexibility to bureaus and offices to effectively achieve real-time workforce reshaping efforts while minimizing the lengthy and cumbersome outside agency review process. The delegation of authority would be similar to that delegated to the Department of Defense.

Expanding Term Appointment authority for Science-related Positions: The Department seeks a new authority to appoint, in the excepted service, certain scientific-related positions to appointments lasting up to 10 years. This authority would give the Department enhanced flexibilities to recruit and hire the best and brightest from the academic and science communities and to align that talent to time sensitive assignments with up to ten-year project cycles. Current term appointing authorities are limited to four years.

Change Pay Retention for Management Directed Reassignments Outside of Geographic Area:

The Department seeks a change in mandatory pay retention regulations as a result of management action such as a geographic transfers. [See 5 CFR 536.303(b) and 536.304.] This change will allow the Department to realize immediate cost reductions by relocating employees to geographic locations with lower locality pay. Under the current regulation, potential cost savings are not realized for at least two years due to pay retention regulations related to moving staff away from large urban centers.

Olivia Barton Ferriter
Deputy Assistant Secretary - Budget, Finance, Performance and Acquisition
U.S. Department of the Interior
1849 C St. NW MS 7228, Washington, DC 20240
Desk: 202-208-4881 Cell: 202-251-4139 FAX: 202-208-1067
Olivia_Ferriter@ios.doi.gov

On Fri, Sep 15, 2017 at 6:34 PM, Flanagan, Denise <denise_flanagan@ios.doi.gov> wrote:

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

Denise,

Per our short chat during the OMB meeting, we wanted to share some placeholder language for need legislation in support of our agency reform:

VERA/VSIP Authority:

The Department seeks Voluntary Separation Incentive Payments (VSIP) authority and Voluntary Early Retirement Authority (VERA) to provide maximum flexibility to bureaus and offices to effectively and do real-time workforce reshaping efforts while minimizing the lengthy and cumbersome outside agency review process. The delegation of authority would be similar to what is delegated to the Department of Defense.

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Change Pay Retention for Management Directed Reassignments Outside of Geographic Area:

The Department seeks a change in mandatory pay retention regulations as a result of management action such as a geographic conversion. [See 5 CFR 536.303(b) and 536.304.] This change will allow the Department to realize immediate cost reductions by relocating employees to geographic locations with lower locality pay. Under the current regulation, potential cost savings will be mitigated for at least two years due to pay retention regulations when moving staff away from large urban centers.

Let me know if this is helpful or if you have any questions,

Thanks, Ray

--

Raymond A. Limon
Director, Office of Human Resources
Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

--

Denise Flanagan, CDFM
Director, Office of Budget
U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Ryan Zinke[cdrr06@ios.doi.gov]; David Bernhardt[redacted (b)(6)]
Cc: DOI_EMDC[doi_emdccc@ios.doi.gov]; Douglas Domenech[douglas_domenech@ios.doi.gov];
 Todd Willens[todd_willens@ios.doi.gov]; James Cason[james_cason@ios.doi.gov]; Scott
 Hommel[scott_hommel@ios.doi.gov]
From: lisa_a_branum@ios.doi.gov
Sent: 2017-09-18T08:04:31-04:00
Importance: Normal
Subject: DOI Emergency Management Daily Situation Report for September 18, 2017
Received: 2017-09-18T08:04:52-04:00
[DOI EM Daily Situation Report 09182017.pdf](#)

Secretary,

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum amounts of 20 inches, across the central and southern Leeward Islands, including Puerto Rico and the U.S. Virgin Islands and British Virgin Islands, through Wednesday night. Rainfall could cause life-threatening flash floods and mudslides.

Support updates to the interagency Hurricane Irma Response are as follows:

DOI currently has 184 personnel supporting 10 FEMA Mission Assignments (MA) in response to Hurricane Irma.

In support of ESF #5 (Information and Planning), 10 USGS personnel were in the field in Florida yesterday retrieving storm surge sensors and analyzing data, with 120 surge sensors retrieved to date. A total of 4 storm surge sensors were lost in the storm, and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged, and 30 HWMs have been surveyed in Florida, alone. In Georgia, 9 USGS personnel were in the field retrieving storm surge sensors and flagging HWMs. A total of 58 surge sensors have been retrieved, and 42 HWMs have been flagged to date. While no personnel are currently deployed to Puerto Rico, 25

HWMs have been flagged to date.

In support of ESF #13, Public Safety and Security, DOI Irma Quick Response Teams (QRT) 1, 4, and 6 are located in Orlando, Florida, pending assignment. DOI Irma QRTs 2, 3, and 5 continue to support the Seminole Tribe on a Direct Federal Assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

With respect to internal bureau and office-specific Irma activities:

The NPS EIMT continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT is reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down until a full review of the incident is completed. The EIMT also continues relocation of USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

USFWS reports 52 (-1) stations closed in the Service's Southeast Region (Region 4) due to Hurricane Irma.

The Bureau of Indian Affairs (BIA) reports that the Seminole Tribe of Florida has 3 (no change) shelters open, with a total population estimated at 24 (-1).

The USGS Caribbean Florida Water Science Center deployed four personnel yesterday to make discharge measurements, repair gages, and flag for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico.

Support updates to the interagency Hurricane Harvey Response are as follows:

There are 60 DOI personnel currently supporting 2 FEMA Mission Assignments for Harvey response and recovery.

Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed to date.

Wildland Fire Updates:

In Montana, the Sprague Fire in Glacier National Park has burned 16,790 (+795) acres and is 60 (no change)-percent contained. The fire is managed by a Type-2 IMT with 171 (+2) personnel assigned, including 63 (-26) DOI personnel. There are 238 (no change) residential structures and 48 (no change) commercial structures threatened. The fire is causing significant economic

impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. Full containment is expected on November 1.

In Oregon, the Spruce Lake Fire in Crater Lake National Park has burned 15,826 (+166) acres and is 22 (-5)-percent contained. The fire is managed by a Type-2 IMT with 41 (+1) personnel assigned. No DOI personnel are assigned to this fire. There are 39 (+4) residential structures threatened. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire. Full containment is expected on October 15.

Harry

--

Harry Humbert
Deputy Assistant Secretary
Public Safety, Resource Protection, Emergency Services
Department of the Interior
202-208-5773

U.S. Department of the Interior Office of Emergency Management Emergency Management Daily Situation Report



As of 8:00 a.m. EDT, Monday, September 18, 2017

The Department of the Interior Operations Center monitors daily incident activity and selects items of interest to the Department's emergency management community from the National Interagency Fire Center, the Department of Homeland Security, and other sources for this report. Bureau/office Emergency Coordinators are responsible for providing incident reports on items that are of interest to senior leadership and the emergency management community to the DOI Operations Center (IOC). Items may be edited or excerpted for brevity. Some of the items contained in this report may be marked For Official Use Only (FOUO) and dissemination of these items should be limited for security purposes.

Alerts & Warnings

National Terrorism Advisory System (NTAS) - Heightened Awareness Bulletin Issued
Continuity of Operations (COOP) COGCON Level is 4
National Wildland Fire Preparedness Level is 5
Bogoslof Volcano: Alert Level is WATCH; Aviation Color Code is ORANGE
Cleveland Volcano: Alert Level is WATCH; Aviation Color Code is ORANGE
Kilauea Volcano: Alert Level is WATCH; Aviation Color Code is ORANGE
The Interior Operations Center is at Level 3 (Enhanced Operations)

Tropical Weather - Atlantic Ocean

Hurricane Maria

Source: National Weather Service/National Hurricane Center – September 18, 2017

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Additional watches and warnings associated with Maria are as follows:

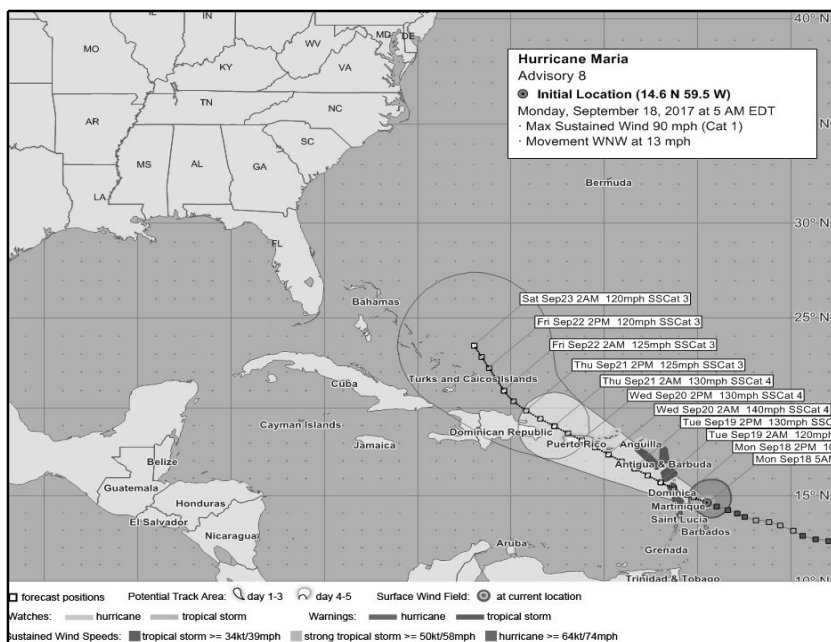
Hurricane Warning: Guadeloupe, Dominica, St. Kitts, Nevis, Montserrat, and Martinique

Tropical Storm Warning: Antigua and Barbuda, Saba and St. Eustatius, and St. Lucia

Hurricane Watch: USVI, the British Virgin Islands, Saba and St. Eustatius, St. Maarten, St. Martin and St. Barthelémy, and Anguilla

Tropical Storm Watch: Barbados and St. Vincent and the Grenadines.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum amounts of 20 inches, across the central and southern Leeward Islands, including PR and the USVI and British Virgin Islands, through Wednesday night. Rainfall on all of these islands could cause life-threatening flash floods and mudslides.



HURREVAC Image

Irma Recovery and Response Efforts

DOI Mission Assignments as of September 18, 2017:

There are currently a total of 184 DOI Personnel supporting the response under the Federal Emergency Management Agency (FEMA) mission assignments.

ESF	OFFICE	LOCATION	AMOUNT	PERSONNEL	CODES
5	USGS	Puerto Rico	\$200,000	0	PR-17090102-USGS-01
Description: To provide advance support, real-time field measurements, and daily reporting of water heights in direct support of federal response operations related to Irma					
5	USGS	Georgia Coast	\$135,000	11	GA-17083101-USGS-01

Description: Provide advance support, real-time field measurements, and daily reporting of water heights in direct support and for situational awareness of FEMA response operations for a high-water or flood event.					
5	USGS	SC Coast	\$170,000	0	9/7/2017
					SC-17083101-USGS-01
Description : Provide advance support, real-time field measurements, and daily reporting of water heights in direct support and for situational awareness of FEMA response operations for a high-water or flood event					
5	USGS	Florida Coast	\$482,500	10	3385EM-FL-USGS-01
Description: To provide advance support, real-time field measurements, and daily reporting of water heights in direct support of federal response operations related to Irma					
5	OEM	FEMA HQ	\$15,000	2	9/5/2017
					4337DR-FL-DOI-01
Description: Support SILC position activation at the National Response Coordination Center (NRCC).					
5	BIA	FL	\$15,000	1	9/13/2017
					MA: 3388EM-FL-DOI-01
Description: BIA Liaison to FL to help coordinate with the R-4 Tribal Liaison and the Seminole Tribe and other affected tribes in the FL during response and recovery issues and provide and coordinate the interagency Hurricane Tribal Assistance Coordination Group call. Estimated Arrival: 9/15/2017					
Personnel Description: One BIA EM person supporting remotely prior to JFO establishment.					
8	NPS	Florida	N/A	3	N/A
Description: Support patient movement, well water sampling, and HHS Operations Center.					
11	OEPC	FEMA HQ	\$10,000	1	9/5/2017
					PR-17090102-DOI-01
Description: Support ESF #11 position activation at the NRCC.					
13	Office of Law Enforcement & Security	All DOI Teams except QRT 7 are deployed.	DOI sub-tasking under DOJ's MA; total MA is \$7,269,245	79	MA#3388EM-FL-USDJ-01
Description: Mission Assignment approved for 125 officers to support the Seminole Tribe on a direct Federal assistance (DFA) mission.					
Location Description: DOI IRMA QRTs 2, 3, 5 made it to Hollywood, Florida to support the Seminole Tribe DFA mission. BIA ASAC Robert Mathis (QRT 5 team leader) is the Division Chief and has operational control of the teams. These personnel are assisting the Seminole Tribe with community policing, site security and distribution of commodities.					
Personnel Description:					

DOI IRMA QRT 2 : DEPLOYED 8 SEPTEMBER 25 - FWS-OLE					
DOI IRMA QRT 3 : DEPLOYED 10 SEPTEMBER 13 - USPP 8 - NPS 2 - OIG 2 - OLES					
DOI IRMA QRT 5 : DEPLOYED 10 SEPTEMBER 25 - BIA/TRIBAL (One Tribal Officer returned home yesterday to respond to an office emergency)					
BIA BUNKHOUSE : DEPLOYED 8 SEPTEMBER 2 - BIA support personnel 2 - BIA radio techs					
13	Office of Law Enforcement & Security	All DOI Teams except QRT 7 are deployed.	DOI sub-tasked under DOJ's MA; total MA is \$7,269,245	65	MA#3385EM-FL-USDJ-01
Description: Provide Law Enforcement Support for ESF-8 and ESF-9.					
Location Description: DOI IRMA QRTs 1, 4, and 6 have left Moody and relocated to Orlando pending their assignments. As of today Moody is no longer being used for ES13 staging.					
Personnel Description:					
DOI IRMA QRT 1 : DEPLOYED 10 SEPTEMBER 9 - NPS 6 - FWS Refuge					
DOI IRMA QRT 4 : DEPLOYED 10 SEPTEMBER 25 - BLM					
DOI IRMA QRT 6 : DEPLOYED 10 SEPTEMBER FWS Refuge - 13 BLM - 5 NPS - 4 OIG - 2 OLES - 1					
Non ESF	DOI Wide	Various	\$700,000	12	9/12/2017
					MA: 4377DR-FL-DOI-03
Description: US Department of Interior (DOI) provide DHS/FEMA with additional staff to support the Surge Capacity Force Team					
Personnel Description: Three person support team working out of DOI HQ to roster and deploy DOI members to support FEMA Surge Capacity Force requirements.					

DOI Emergency Support Function (ESF) Support:**ESF #5 (Information and Planning)**

- *ESF #5 - United States Geological Survey (USGS):* In Florida, 10 USGS personnel were in the field September 17 retrieving storm surge sensors and analyzing data under MA 3385EM-FL-USGS-01, and 120 surge sensors have been retrieved to date. A total of four storm surge sensors were lost in the storm and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged and 30 HWMs have been surveyed in Florida alone. In Georgia, nine USGS personnel were in the field retrieving storm surge sensors and flagging HWMs under MA GA-17083101-USGS-01. In Georgia, a total of 58 surge sensors have been retrieved and 42 HWMs have been flagged to date. While no personnel are currently deployed to PR, 25 HWMs have been flagged to date.

ESF #13 (Public Safety and Security)

- *ESF #13 - Office of Law Enforcement and Security (OLES):* In support of ESF #13, Public Safety and Security, interagency Quick Response Teams (QRTs) that are in the USVI will relocate to San Juan, PR this evening. They will return to USVI, if needed, after Maria passes. DOI Irma QRTs 1, 4, and 6 are still located in Orlando, Florida, pending their assignment. DOI Irma QRTs 2, 3, and 5 are supporting the Seminole Tribe on a direct Federal assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

DOI Bureau and Office Reporting:**National Park Service - Irma Update**

Source: National Park Service – September 17, 2017

The Eastern Incident Management Team (EIMT) continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT will be reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down on ladder and roof operations until a full review of the incident is completed. The EIMT is also continuing relocation plans for USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

Parks have completed 100% accountability for all employees and their priorities remain as follows:

- Employee mental and physical safety

- Restore services and access to the parks
- Remove debris
- Provide support to employees who were impacted by Hurricane Irma.

The following park updates were provided by NPS:

- *Virgin Islands (VIIS)* - Closed - Relocation efforts are underway. A large vessel is scheduled to depart St. John Island at 9:00 a.m. EDT this morning, heading to Porta Del Rey, Puerto Rico to clear U.S. Customs. Individuals will check-in with NPS to be issued supplies and food, and then will board buses to shelter; bags and pets will be tagged, crated as necessary. A physician will be onsite to provide medical assistance as needed. Housing has already been determined, with families with children going to Discovery Center. Approved staff will be lodged in hotels, while non-essential staff will be placed throughout the region as capable in conjunction with the Southeast Regional Office (SERO) and parks in the southeast Region.
- *San Juan (SAJU)* - Open – SAJU is housing the Incident Command Team. Activating the hurricane plan and working on relocation and sheltering plans. Coordinating the logistics plan and an employee post-storm plan for tent city in San Cristobal, Puerto Rico.
- *Christiansted (CHRI)* - Open - The implementation of the severe weather plan is in effect and employee information rosters are being updated. Internet service is still down. The site is operating on generator power and all of the generators have fuel, have been tested, and are in working order. Supplies are being evaluated for distribution to personnel.
- *Big Cypress (BICY)*: The preserve received a fuel delivery of 1,500 gallons of unleaded and 3,000 gallons of diesel to accommodate generators and other emergency uses. The drinking water issue has been addressed and the preserve received a shipment of potable water, however, the boil water notice remains in effect. Portable toilets have arrived on station for personnel. The preserve is still in need of supplies, personnel, and services; additional logistics personnel have been requested, as well as additional local safety officers
- *Biscayne (BISC)* - Closed - Assessment teams have arrived on site, but were unable to access the dock due to public usage of the entire docking area. Teams are awaiting assistance to have the dock cleared before continuing assessments. Portions of the boardwalk were found to be either damaged or missing. The water main was repaired and the fire system is being recharged and tested for operation.
- *Everglades (EVER)* - Closed - Airboat Concessions will begin operating and Marine waters are open with a Notice to Mariners posted. Monroe County has issued a boil water notice in effect.

- Gulf Coast - Cleanup efforts continue; fuel was delivered. Two displaced Rangers are being housed on site in a shared capacity. They will be issued a generator for power.
- Northeast - The Shark Valley signs on Hwy 41 were destroyed. Trees partially blocking the gate, access road, and parking lot. The Tram Road-west is impassable and 3 miles of the southern end is under water. There is standing water in the VC entrance, but otherwise seems to have sustained no damage.
- Pine Island - Fuel for the generators is now on site. The Main Park Road entrance gate will be staffed 24/7 to allow displaced residents access homes to retrieve personal effects.
- Flamingo - Cleanup efforts continue; fuel arrived on site.
- Key Largo - Rangers were able to access Florida Bay and found extensive debris scattered throughout. Numerous vessels grounded or pushed into mangroves suffering severe damage. The vessels were boarded to confirm casualties; none were found. There was a strong smell of fish kill, but none were located. The North nest key facilities were destroyed.
- *De Soto (DESO)* - Closed - Power and phones service has been restored, but internet is still out. Cleanup continues with downed tree removal and removing docks that have washed up on the north shore. A CANA team is scheduled to arrive tomorrow and will be providing FMSS support remotely.
- *Canaveral (CANA)* - Partially open - The park's focus remains on recovery operations. The park is open and operating with the exception of a portion of the docks on the Loom side. CANA is coordinating with DESO regarding access to NPS's Planning, Environment, and Public Comment (PEPC) site.
- *Castillo de San Marcos (CASA)* - Open - Downed trees remain, but they do not restrict visitor access. A damage assessment team is scheduled to arrive at the park today. There is still no restroom accessibility to guests.
- *Timucuan (TIMU)* - Closed - Power, phones, and internet service have been restored to the Fort Caroline (FOCA) Visitor's Center (VC) and the headquarters (HQ). Cleanup crews have cleared the FOCA VC area and trails of debris and will reopen today. Power is still out at Kingsley Plantation (KP) is still without power and will remain closed. The Cedar Point boat launch is open to the public, but the trail system and the Theodore Roosevelt area (TRA) will remain closed until they are cleared of debris. The park is in line for an Arborist Incident Response (AIR) Team and saw crews.

- *Southern Florida Caribbean Network (SFCN) - Closed* - The Palmetto Bay office will reopen today and damage assessments inside the building will commence. There are two employees from St. John Island that may require relocating before or after Hurricane Maria passes through the area.
- *Fort Pulaski (FOPU) - Closed* - All park personnel, with the exception of LE, were taking some much needed time off on Sunday.
- *Cumberland Island (CUIS) / Ft. Frederica (FOFR) - Closed* – Power capabilities are 100% at mainland buildings, though the VC is still without power or internet service. There are 2 saw crews working to clear the main road to facilitate the power company's needs. An arborist crew continues working on the cultural landscapes. An interagency assessment team comprised of The Georgia Department of Natural Resources (DNR), the U.S. Coast Guard (USCG), the U.S. Army Corps of Engineers (USACE), the City of St. Marys, and the NPS completed work and are preparing paperwork to go forward with repairs. The USCG is taking the lead on cleaning up the St. Marys waterfront and getting the city's downtown area up and running. Roads are generally passable, but there is still lots of debris cleaning to be done island-wide.
- *Fort Sumter (FOSU) - Partially open*. Crews began debris and mud removal at the fort. Initial inspections on the dock were not as bad as anticipated, but still require underwater verifications to the extent of any damage.

U.S. Fish and Wildlife Service - Irma Update

Source: U.S. Fish and Wildlife Service (FWS) – September 17, 2017

The U.S. Fish and Wildlife Service (FWS) reports a total of 52 FWS Stations closed across the response area due to Irma.

Incident Management Team (IMT): The IMT continued work to support Big Cypress National Preserve for stabilization and community assistance in Immokalee, Florida. The IMT also cut trails and roads for entrance and exit to Crocodile Lake National Wildlife Refuge (NWR) and provided support to the Key Deer and other Response Groups as needed.

Bureau of Indian Affairs

Source: Bureau of Indian Affairs (BIA) Notes – September 17, 2017

The FEMA Region IV Tribal Liaison continues to stay in contact and support the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida.

Seminole Tribe of Florida - Three shelters remain open with 25 occupants. The shelters continue their usage as cooling and feeding stations for tribal members. The Big Cypress Reservation continues to have power issues, but should be receiving relief soon. Points of Distribution

(POD) commodities (meals and water) and are being distributed to Big Cypress and Brighton reservations; Tribal POD stations are open and distributing ice and other sundried items. Big Cypress Reservation Police Department emergency services are expected to be back online soon. Big Cypress Reservation EOC will remain on full activation until power is restored.

Miccosukee Tribe of Indians of Florida - There are no current issues or unmet needs.

United States Geological Survey

Source: United States Geological Survey (USGS) – September 17, 2017

The Caribbean Florida Water Science Center (CFWSC) has four personnel in the field making discharge measurements, repairing gages, and flagging for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico this reporting period.

Federal Emergency Management Agency

Source: FEMA National Situation Report – September 18, 2017

FEMA Headquarters:

- NRCC: Level I (Day Shift); Level II (Night Shift); NWC: Steady State
- National IMATs: East-1 (FL EOC); East-2 (Redeploying to PR CAD)
- Red IST relocating to PR

FEMA Region II:

- RRCC at Level II, Partial Activation (Day Shift), Level III, Partial Activation (Night Shift)
 - Transitioning to Level II (24/7) at 8:00 a.m.

FEMA Region IV:

- RRCC at Level II (24/7)
- Region IV IMAT-1 at FL EOC and Region IV IMAT-2 at GA EOC
- Region IV LNOs at FL, SC, GA, NC, AL, and Seminole Tribe EOCs (1 each)
- FL, USVI, and PR EOCs at Full Activation; State of Emergency declared; FEMA IOF operational in Tallahassee
- Seminole Tribe of Florida EOC at Full Activation (all ESFs)
- Miccosukee Tribe EOCs (2) at Full Activation
- Alabama, GA, MS EOCs at Partial Activation
- Tennessee EOC at Monitoring

Harvey Response and Recovery - Southeastern Texas

DOI Mission Assignments (MAs) as of September 18, 2017:

There are currently a total of 60 DOI Personnel supporting the response under the FEMA mission assignments.

ESF	OFFICE	LOCATION	AMOUNT	PERSONNEL	CODES
4	Office of Wildland Fire	Beaumont, TX	\$3M	29	8/28/2017
			Subtasked under ESF-4		4332DR-TX-USFS-04
Description: Provide logistical support to multiple Incident Support Bases (ISBs), Federal Staging Area (FSAs), or other logistics facility.					
Personnel Description: 29 Total -7 NPS; 1 BIA; 21FWS; 1 BLM					
5	USGS	Corpus Christi, TX along the coast through the Houston impact area	\$1,000,000	24	8/26/2017
					4332DR-TX-USGS-01
Description: To provide advance support, real-time field measurements, and daily reporting of water heights in direct support of federal response operations related to Harvey					
Personnel Description: 26 personnel in the field today flagging and surveying High Water Marks (HWMs)					
8	NPS	Texas	N/A	5	N/A
Description: Support patient movement and HHS Operations Center					
15	Office of Communications	Austin, TX	\$10,000	1	09/03/2017 4332DR-TX_DOI-09
Description: Provide Public Affairs SME to support the FEMA Joint Information Center in Austin, TX. (USGS person deployed)					
NCR RSF	OEPC	Austin, TX	\$56,910	1	Natural Cultural Resources (NCR) RSF 4332DR-TX_DOI-08
Description: Natural and Cultural Resources RSF to provide SME for federal coordination with RSF and support agencies					

DOI Emergency Support Function (ESF) Support:

ESF #5 (Information and Planning)

- **ESF #5 - USGS:** Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs under MA 4332DR-TX-USGS-01 in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed.

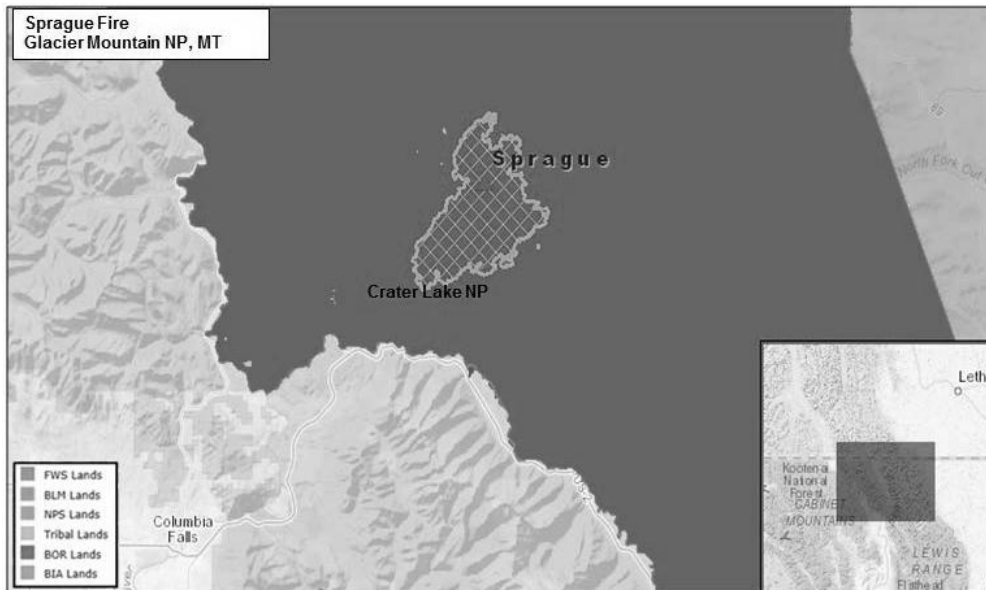
Wildland Fire Activity

Source: *Fire and Aviation Management Website - September 18, 2017*

The **Mustang Fire** (Idaho), the **Rankin Fire** (South Dakota), the **Wolverine Fire** (Montana), the **East Fork Fire** (Montana), and the **Cottonwood Fire** (Nevada) all reached 100% containment and will not be summarized today's report.

Montana

Sprague Fire



IGEMS Image

- Start Date: August 10
- Location: Glacier National Park, MT (NPS)
- Burned Acres: 16,790 (+795)
- Containment: 60-percent (no change)
- Management: Type-2 IMT
- Personnel Assigned / DOI: 171 (+2) / 63 (-26)
- Structures Threatened-Single-Mixed Residential / Commercial: 238 (no change) / 48 (no change)
- Evacuations / Shelter in place: 0 (no change) / 4 (no change)
- Civilian Injuries / Fatalities: 0 (no change) / 0 (no change)
- Responder Injuries / Fatalities: 0 (no change) / 0 (no change)
- Containment Date: November 1

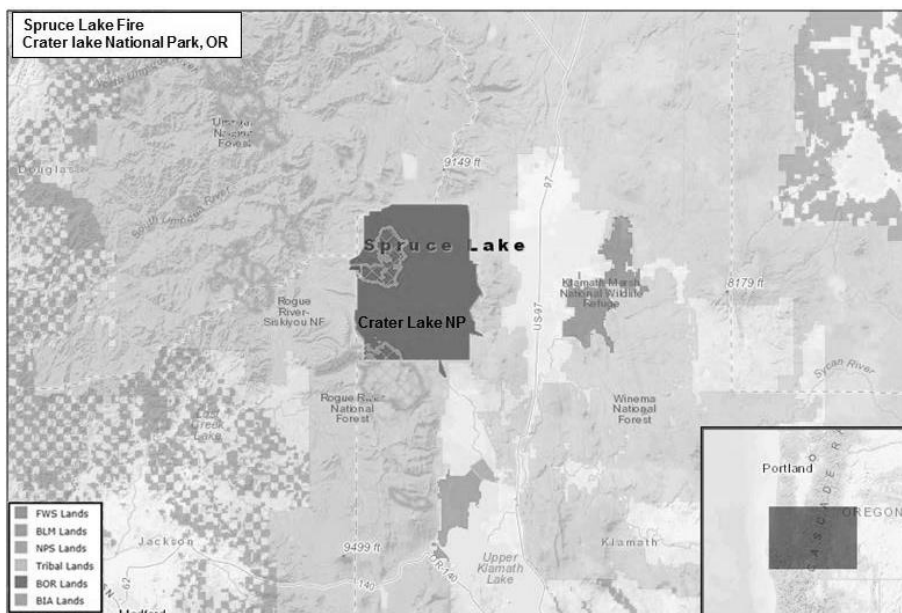
Comments: Fire behavior was described as active during this reporting period with backing, flanking, and single tree torching. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. The Sprague Fire is currently being managed under a combined Monitor (40%), Point Zone Protection (40%), and Confinement (20%) strategy.

Oregon

Spruce Lake Fire

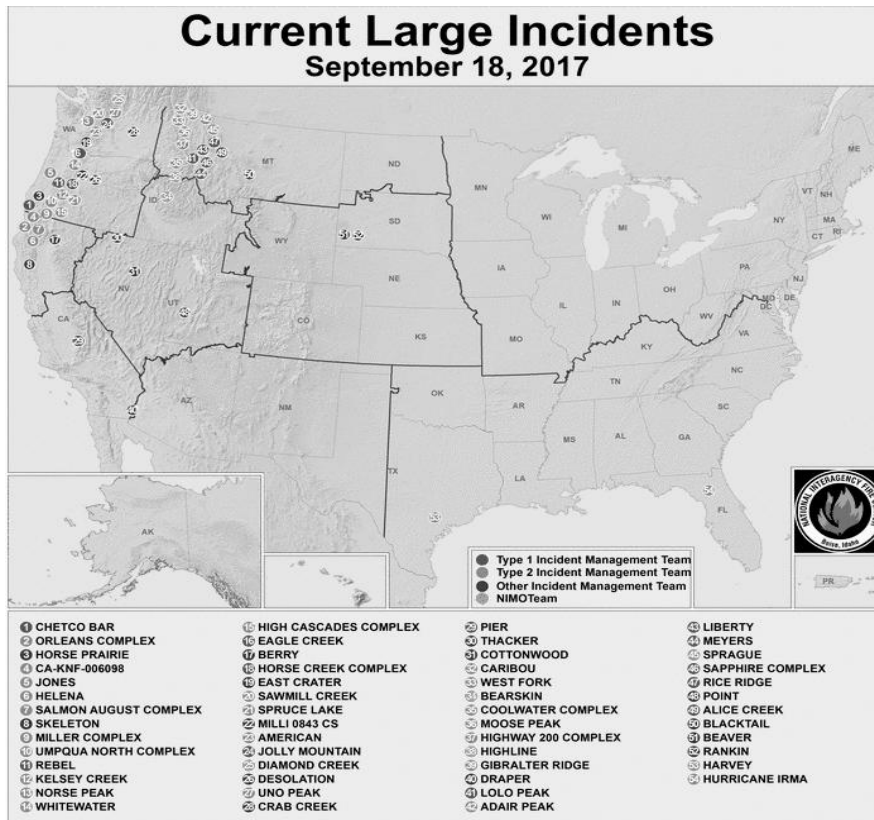
- Start Date: July 29
- Location: Crater Lake National Park (NPS)
- Burned Acres: 15,826 (+166)
- Containment: 22-percent (-5)
- Management: Type-2 IMT
- Personnel Assigned / DOI: 41 (+1) / 0 (no change)
- Structures Threatened-Single-Mixed Residential / Commercial: 39 (+4) / 13 (no change)
- Evacuations / Shelter in place: 0 / 0 (no change)
- Civilian Injuries / Fatalities: 0 / 0 (no change)
- Responder Injuries / Fatalities: 1 / 0 (no change)
- Containment Date: October 15

Comments: Fire behavior was described as moderate with single tree torching and uphill runs. Fire behavior should remain minimal with significant moisture forecast to move into the area. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. The Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire.



IGEMS Image

Large Fire Map



Wildland Fire Incident Management Situation Report

Source: National Interagency Fire Center – September 18, 2017

National Preparedness Level 5

National Fire Activity

Initial attack activity:	Light (64 new fires)
New large fires:	1
Large fires contained:	3
Uncontained large fires: **	20
Area Command Teams committed:	2
NIMOs committed:	4
Type 1 IMTs committed:	9
Type 2 IMTs committed:	24

** Uncontained large fires include only fires being managed under a full suppression strategy.

Volcano Activity

Bogoslof Volcano, AK

Source: U.S. Geological Survey, Alaska Volcano Observatory (AVO) – September 17, 2017

Alert Level = WATCH

Color Code = ORANGE

Unrest continues at Bogoslof Volcano, but no significant activity was observed in seismic or infrasound data during this reporting period. Slightly elevated surface temperatures were observed in several satellite images over the past day. Bogoslof Volcano remains in an unpredictable condition, and activity can escalate quickly with explosions producing high-altitude (>15,000 ft) volcanic clouds with little to no detectable precursory activity. A Temporary Flight Restriction (TFR) remains in effect over the volcano.

Cleveland Volcano, AK

Source: U.S. Geological Survey, Alaska Volcano Observatory (AVO) – September 17, 2017

Alert Level = WATCH

Color Code = ORANGE

Low-level unrest continues at Cleveland Volcano, and no activity was observed in seismic or infrasound data during this reporting period. Slightly elevated surface temperatures were observed in one satellite image over the past day. Cleveland Volcano is monitored with a limited real-time seismic network, which inhibits AVO's ability to detect precursory unrest that may lead to an explosive eruption.

Kilauea Volcano, HI

Source: U.S. Geological Survey, Hawaiian Volcano Observatory (HVO) – September 17, 2017

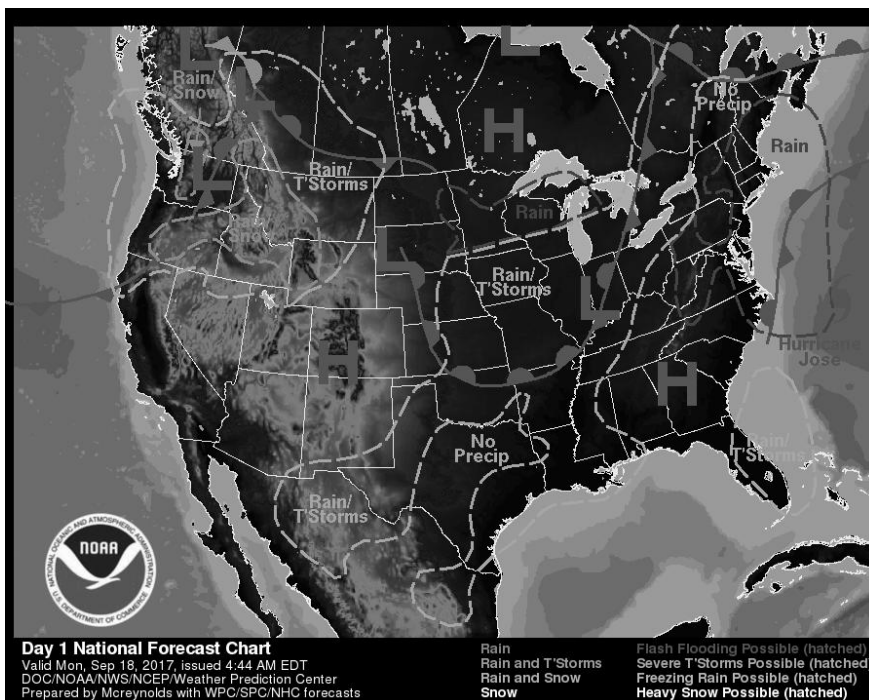
Alert Level = WATCH

Color Code = ORANGE

Kīlauea Volcano continues to erupt at its summit and from the Pu‘u ‘Ō‘ō vent on its East Rift Zone, and the episode 61g lava flow continues to enter the ocean at Kamokuna. Surface flows remain active above the pali and on the coastal plain, but these flows pose no threat to nearby communities. Low rates of ground deformation and seismicity continue across the volcano.

Significant National Weather

Source: National Weather Service - September 18, 2017



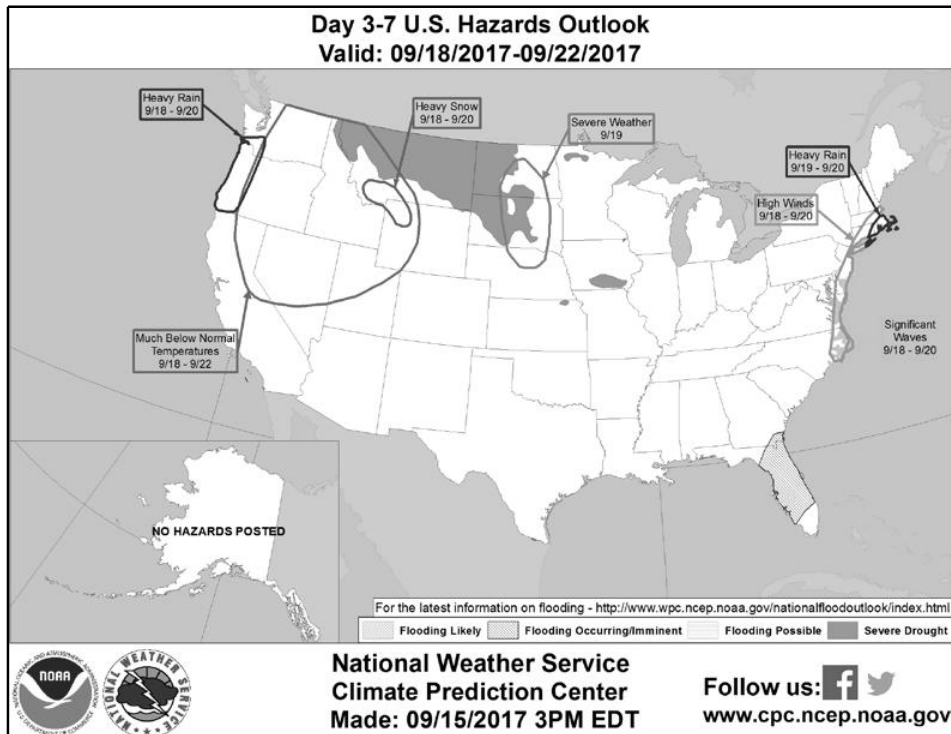
Today

Rain and thunderstorms are expected from the Mississippi River eastward to the East Coast. Showers and thunderstorms will once again develop over portions of California, the Great Basin, the Rockies, and the northern Great Plains.

Tomorrow

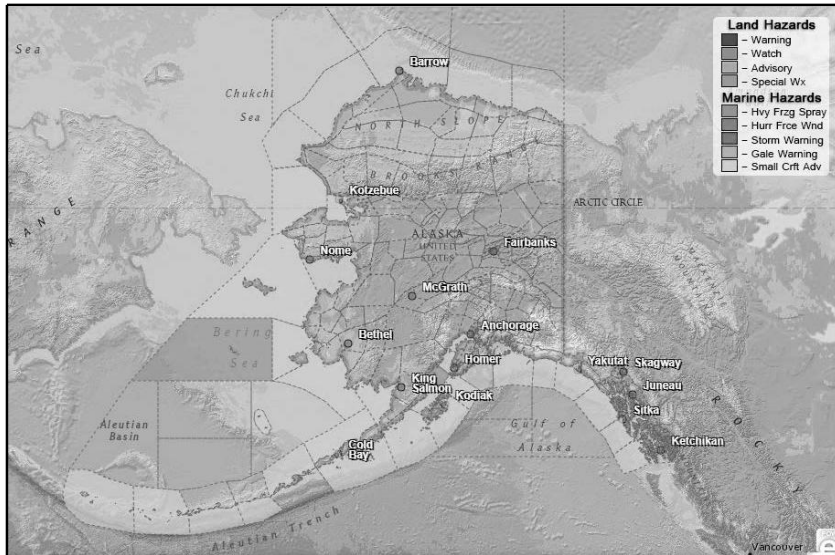
Rain showers will be possible for portions of the central and southern Appalachians. Rain and thunderstorms will develop from the Northeast and New England, south along the mid-Atlantic coast to Florida and the Gulf Coast to the Mississippi Delta region. A frontal boundary will stretch from northern New England through the Great Lakes to the upper Midwest, the northern Plains, and the northern Rockies. Rain and thunderstorms will develop from the upper Midwest and western Great Lakes west across the northern Plains to the Rockies, the Four Corners, and the Great Basin. Isolated severe hail and wind storms are possible across parts of the upper Midwest during the late afternoon and evening, and the Four Corners area during the afternoon. Light rain showers will be possible for a small portion of southern California.

Weather Hazard Assessment



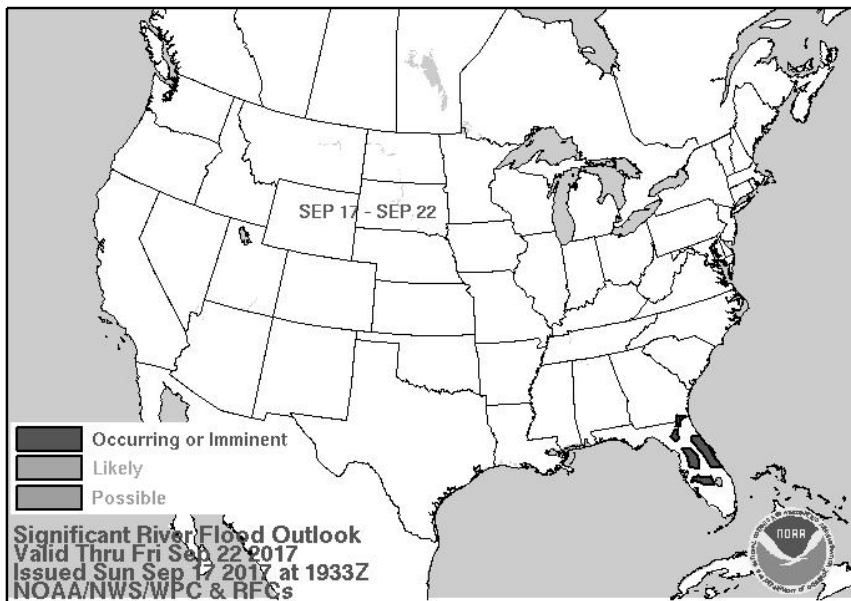
- September 18-20: Severe drought across parts of the northern Rockies, the northern and central Great Plains, the Corn Belt, Minnesota, the Rio Grande Valley, and Hawaii.
- September 18-20: Significant waves shifting north from coastal parts of the Outer Banks to New England.
- September 18-20: Periods of heavy snow for parts of the northern Rockies.
- September 18-20: Periods of heavy rain for parts of the Pacific Northwest.
- September 19: Heavy rain for parts of the Pacific Northwest.
- September 19 - 20: Heavy rain for portions of Long Island and southeast New England.
- September 23-24: A slight risk of much below-normal temperatures for parts of the western U.S.

Alaska Weather



A Gale Warning is in effect from St. Matthew Islands waters and west of the Barren Islands, including Kamishak Bay. There is a Small Craft Advisory in effect from Kiska to the Barren Islands, Pribilof Islands, from Cape Suckling to Cape Decision, north and west of Nunivak Island, Bristol Bay, and from Wales to the Kotzebue Sound. A Flood Advisory is in effect for the upper Koyukuk Valley, the Baldwin Peninsula, the Selawik Valley, the lower Kobuk and Noatak valleys, and the upper Kobuk and Noatak valleys.

Significant River Flooding



Significant river flooding is occurring or imminent across portions of Florida and Georgia.

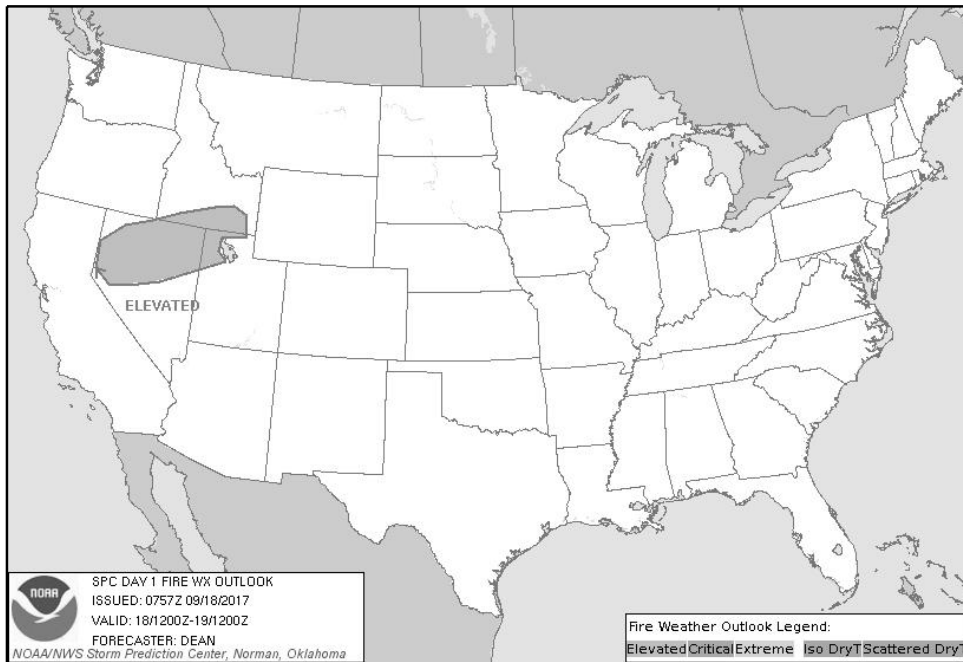
Severe Weather

There is no severe weather forecast today across the U.S.

Tornado Weather

There is a less than 2-percent chance of tornado activity today across the U.S.

Fire Weather

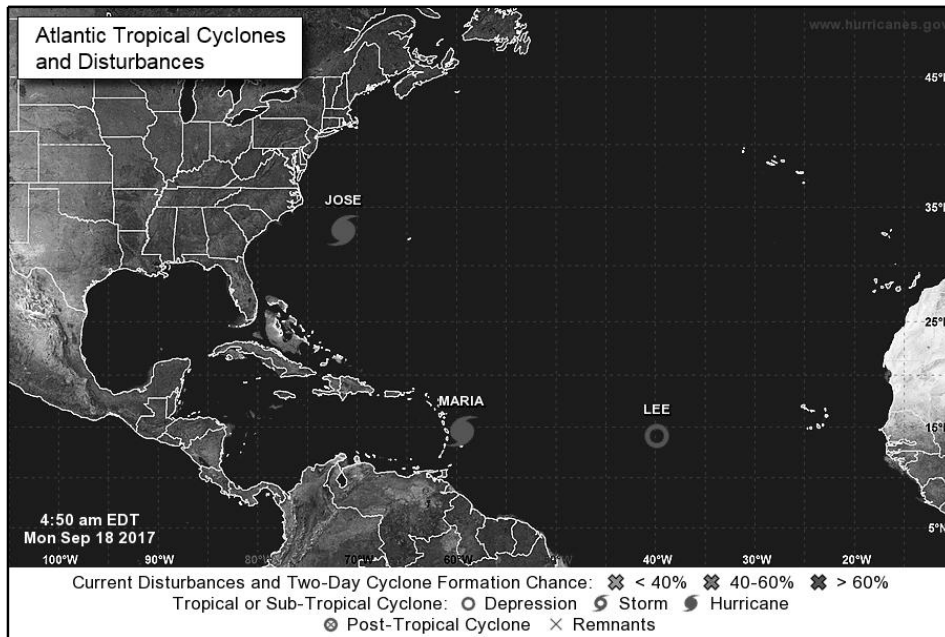


There is Elevated Fire Weather forecast today across northern Nevada, southern Idaho, and northwestern Utah.

Tropical Weather Activity

Source: National Weather Service/National Hurricane Center – September 18, 2017

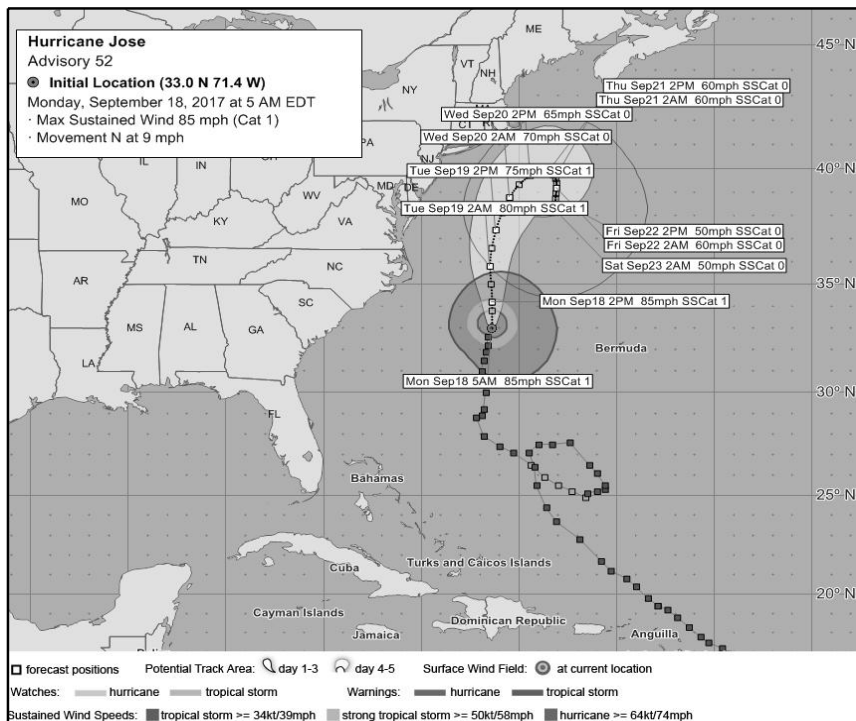
Atlantic Ocean/Caribbean Sea/Gulf of Mexico



Hurricane Jose

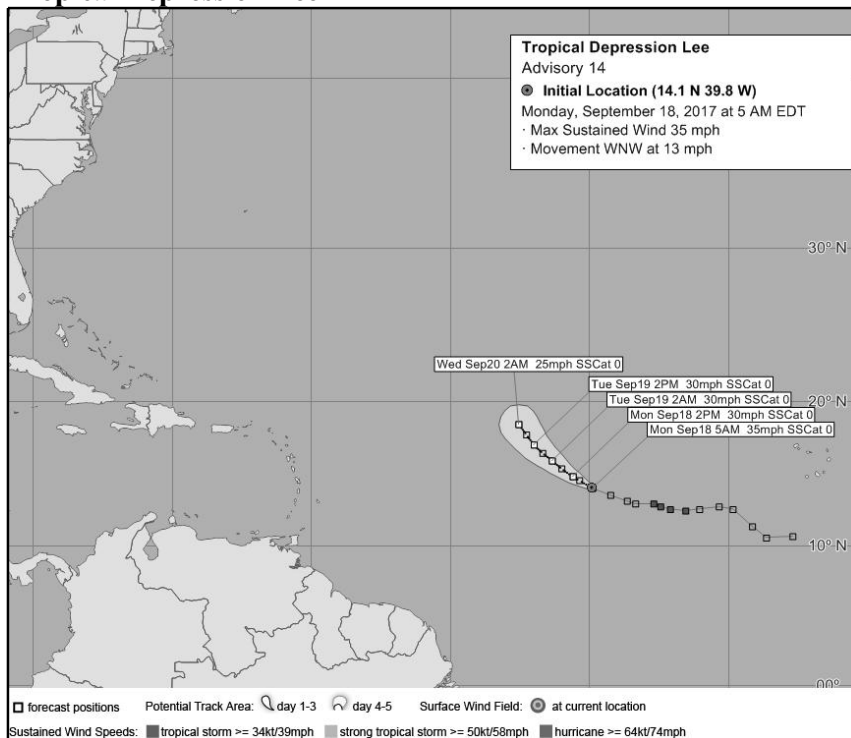
At 5:00 a.m. EDT, the center of Hurricane Jose was located approximately 280 miles southeast of Cape Hatteras, North Carolina, and moving toward the north near 9 mph. This general motion is expected to continue through tonight, but a turn toward the north-northeast is expected tomorrow. Maximum sustained winds are near 85 mph, with higher gusts. Some gradual weakening is forecast during the next 48 hours; however, Jose should remain a hurricane through tomorrow night. Dangerous surf and rip currents are expected along the east coast of the U.S.

A Tropical Storm Watch is in effect for Fenwick Island, Delaware to Sandy Hook, New Jersey, Delaware Bay South, from East Rockaway Inlet to Plymouth, New Jersey, Block Island, Rhode Island, Martha's Vineyard, Massachusetts, and Nantucket, Massachusetts.



HURREVAC image

Tropical Depression Lee



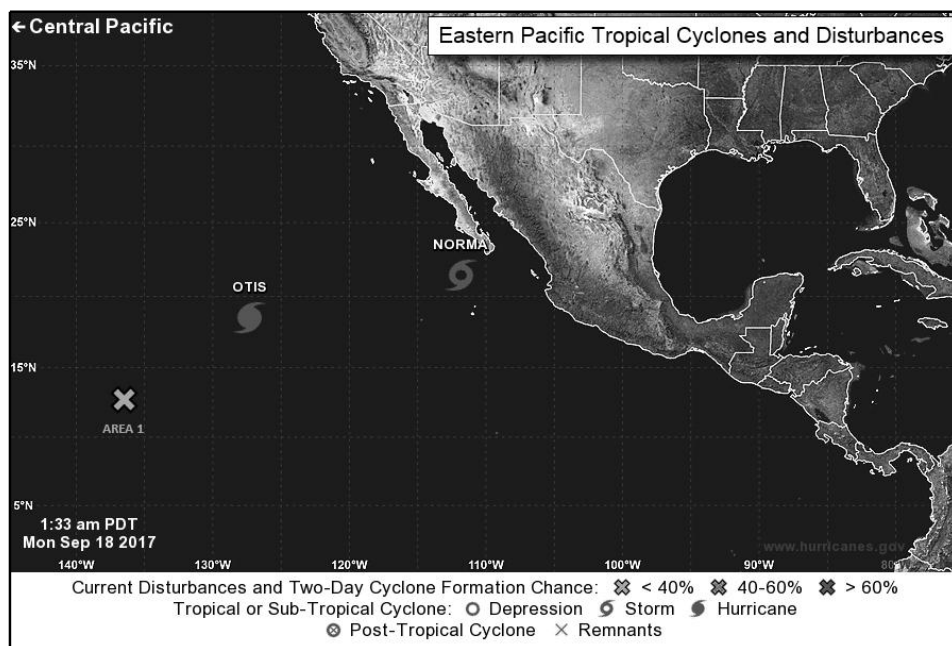
HURREVAC image

At 5:00 a.m. EDT, the center of Tropical Depression Lee was located approximately 1,060 miles west of the Cabo Verde Islands. Lee is moving toward the west-northwest near 13 mph, and this motion is expected to continue during the next 48 hours. Maximum sustained winds are near 35 mph, with higher gusts. Weakening is forecast during the next 48 hours, and Lee could degenerate into a remnant low by tonight. There are no coastal watches or warnings in effect.

Hurricane Maria:

Hurricane Maria is summarized in the beginning of this report.

Eastern Pacific Ocean



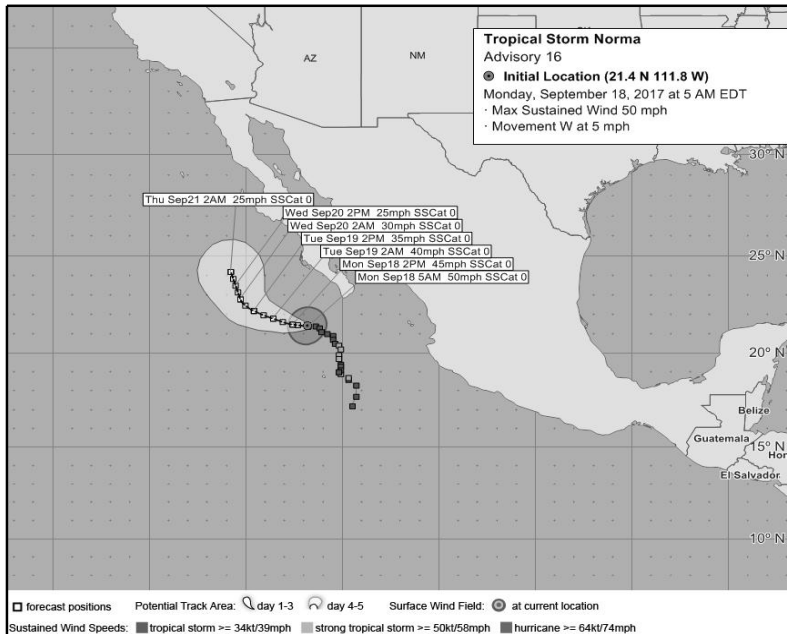
Area 1

A trough of low pressure located about 1,300 miles east-southeast of the Hawaiian Islands is producing disorganized showers and thunderstorms. Development, if any, of this system should be slow to occur while it remains nearly stationary during the next few days. This system has a 10-percent chance of becoming tropical formation through the next 48 hours.

Tropical Storm Norma

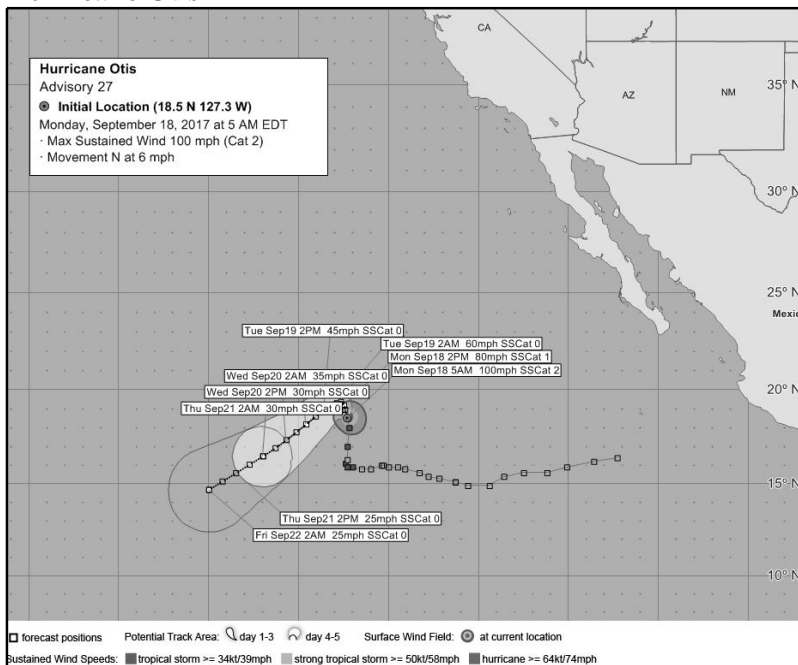
At 5:00 a.m. EDT, the center of Tropical Storm Norma was located approximately 160 miles southwest of Cabo San Lucas, Mexico. Norma is moving toward the northwest near 5 mph. The storm is expected to turn toward the west-northwest and to continue that general direction for the next couple of days. Maximum sustained winds are near 50 mph, with higher gusts. Some

weakening is expected during the next 48 hours, and Norma could become a tropical depression by tomorrow. There are no coastal watches or warnings in effect.



HURREVAC image

Hurricane Otis



HURREVAC image

At 5:00 a.m. EDT, the center of Hurricane Otis was located approximately 1,165 miles west-southwest of the southern tip of Baja, California. Otis is moving toward the north near 6 mph. A slower northward motion, followed by a turn to the west and southwest, is expected by late tomorrow. Maximum sustained winds are near 100 mph, with higher gusts. Rapid weakening is forecast during the next 48 hours. Otis is expected to remain far offshore. There are no coastal watches or warnings in effect.

****End of Report****

Distribution:

Assistant Secretaries
Bureau Heads
Deputy Assistant Secretaries
EM Coordinators and Alternates
EM-ICAT
EM-Incident Support Team
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IOS Senior Officials*
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To: CabinetAffairs@who.eop.gov[CabinetAffairs@who.eop.gov]
From: Mashburn, Lori
Sent: 2017-09-18T14:04:21-04:00
Importance: Normal
Subject: DOI Report 9/18/2017
Received: 2017-09-18T14:05:12-04:00
[DAILY UPDATE FOR CABINET AFFAIRS 09-18-17.docx](#)

DEPARTMENT OF THE INTERIOR DAILY UPDATE FOR CABINET AFFAIRS – 9/18/17

Lori Mashburn, White House Liaison

Status of the Secretary

TODAY: The Secretary is in Washington, DC.
Various meetings and briefings.
Call with Rep. Tom Cole (OK)

Movie Screening of “Only the Brave”

This Week:

9/18-19: Washington, DC. Various meetings and briefings. Revenue Comparison Analysis Model Meeting.
9/20: Travel to Missouri. Remarks at Gala Dinner Event - Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ.
9/21: Confirmed Ribbon Cutting Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ. Travel to Dallas, TX.
9/22: Dinner Remarks at NRA Women's Leadership Forum Summit (Closed Press).
9/23: Washington. Wolf Trap Annual Gala.

Status of the Deputy Secretary

TODAY: The Deputy Secretary is in Washington, DC.

Media TODAY

E&E News: Zinke recommends shrinking as many as 6 sites

Jennifer Yachnin

September 18, 2017

President Trump could move to eliminate protections for nearly all of Utah's 1.9-million-acre Grand Staircase-Escalante National Monument — while also potentially making significant cuts to five other monuments — if he follows recommendations made by Interior Secretary Ryan Zinke, according to a leaked memorandum.

In a private report submitted to Trump in August, and first reported on by The Wall Street Journal, Zinke recommended the reduction of as many as six national and marine monuments, as well as amending the proclamations or management plans of four other sites to allow commercial fishing, protect grazing rights or use for timber harvesting.

White House spokeswoman Kelly Love declined to comment on the memorandum but told E&E News that no deadline has been set for the president to decide whether he will act on

Zinke's recommendations.

"The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the president and relevant agencies," Love said.

An Interior spokeswoman declined to comment and referred all inquiries to the White House.

Trump mandated the Interior review in an April executive order. The 120-day assessment included 27 monuments designated since 1996, all but one of which encompass more than 100,000 acres.

Although the order requested a final report by late August, Interior officials declined to release Zinke's recommendations last month, asserting that the memorandum was a draft. A copy of the memorandum provided to E&E News by Public Employees for Environmental Responsibility includes the notation "Draft Deliberative — Not for Distribution" at the bottom of each page.

But Zinke acknowledged that he had recommended the reduction of a "handful" of sites. He had publicly called for unspecified cuts to the 1.35-million-acre Bears Ears National Monument in southeast Utah in mid-July, while also dismissing a half-dozen monuments from any alterations (Greenwire, Aug. 24).

The leaked memorandum shows Zinke urged Trump to reduce the acreage of four national monuments, including both Grand Staircase-Escalante and Bears Ears, as well as Cascade-Siskiyou National Monument in Oregon and California and Gold Butte National Monument in Nevada.

The document also recommends either management or boundary changes to both the Rose Atoll Marine National Monument and the Pacific Remote Islands Marine National Monument.

Management changes are also recommended for Katahdin Woods and Waters National Monument in Maine, Northeast Canyons and Seamounts Marine National Monument near Massachusetts, and both the Organ Mountains-Desert Peaks and Rio Grande del Norte national monuments in New Mexico.

The report, however, doesn't include specific cuts or maps to identify areas for reductions.

"Some of these recommendations are very mysterious," said Kristen Brengel, vice president of government affairs at the National Parks Conservation Association.

But she added that Zinke's description of Grand Staircase-Escalante, for example, would suggest that the president could attempt to eliminate the vast majority of its current acreage.

"If you took everything that's in the preamble and thought this out to yourself ... basically, that would bring the monument down to nothing, and you're not protecting any of the sacred sites or petroglyphs," Brengel said.

Zinke's description of the southwestern Utah monument notes that it's home to "an estimated

several billions tons of coal and large oil deposits," a point of contention since President Clinton established the monument in 1996 in part to lock up a massive coal deposit in the area's Kaiparowits Plateau while preserving cliffs, slot canyons and sandstone arches.

Zinke's report also notes that about 47 percent of the monument land is also designated as wilderness study area (WSA), a status he has previously suggested could be an alternative to national monument designation. He also pointed to county lawsuits over the use of R.S. 2477 roads within the monument and asserted that grazing has been reduced in the area because of difficulties with maintenance of roads and other infrastructure.

Reductions to both the Bears Ears and Gold Butte monuments would likewise remove tens of thousands of acres of WSAs, as well as local water districts in the Nevada site. The Cascade-Siskiyou reductions could include measures to "reduce impacts" on more than 52,000 acres of private inholdings and to ensure timber production on nearly 17,000 acres of Oregon and California Railroad Revested Lands. Changes to the marine monuments would include permitting commercial fishing.

"They want to basically allow all of these damaging activities, whether it's mining or oil and gas development, in monuments, when that's not what the Antiquities Act was intended to do," Brengel said. "It's the worst kind of 180 you could ever do in conservation. This is absolutely anti-conservation."

Trump urged to consider 3 new designations

Zinke's memorandum also sharply criticizes the use of the Antiquities Act — which allows presidents to designate monuments on federal lands with historic, cultural or scientific interest — for protecting large-scale landscapes, including "viewsheds" and "ecosystems."

"In the case of lands administered by the Bureau of Land Management (BLM), designating geographic landscape areas as objects of historic or scientific interest is especially problematic given that the determination of land uses is normally done under the robust public balancing processes pursuant to" the Federal Land Policy and Management Act, Zinke wrote.

"When landscape areas are designated and reserved as part of a monument, objects and large tracts of land are overlain by a more restructure management regime, which mandates protection of the objects identified."

He added, "This has the effect of significantly narrowing the range of uses and BLM's multiple-use mission."

Nonetheless, Zinke endorsed the creation of at least three new monuments, urging Trump to establish a public review process for those sites.

The potential monuments include the 4,000-acre Camp Nelson in Kentucky, a former Union Army supply depot, training center and hospital; the Medgar Evers Home in Mississippi, which is already a National Historic Landmark; and the 130,000-acre Badger-Two Medicine area in Montana.

**WALL STREET JOURNAL: INTERIOR REPORT RECOMMENDS CUTS OR
CHANGES TO SEVEN NATIONAL LAND MONUMENTS**

Jim Carlton

September 17, 2017

Interior Secretary Ryan Zinke has recommended cutbacks or other changes to nearly half the geographic national monuments he recently reviewed at the request of President Donald Trump, according to a report sent to the White House and reviewed by The Wall Street Journal.

The report recommends reducing the boundaries of the Bears Ears and Grand Staircase-Escalante preserves in Utah, and reopening hundreds of thousands of square miles of protected oceans in both the Pacific and Atlantic to commercial fishing—in actions numerous environmental groups would likely fight to block.

Those are the findings in a report the secretary sent to Mr. Trump in August. The details of the report weren't released at the time.

Officials at the Interior Department referred requests for comment to the White House, which declined to comment.

"The Trump administration does not comment on leaked documents, especially internal drafts which are still under review by the president and relevant agencies," White House spokeswoman Kelly Love said in a statement Sunday.

Besides Bears Ears and Grand Staircase-Escalante, the list of land monuments recommended for downsizing or otherwise made less restrictive—including by allowing traditional activities including ranching and logging—are Oregon's Cascade-Siskiyou; Nevada's Gold Butte; Maine's Katahdin; and New Mexico's Organ Mountains-Desert Peaks and Rio Grande Del Norte. The ocean preserves Mr. Zinke wants reopened to commercial fishing include Northeast Canyons and Seamounts off the Massachusetts coast and both Rose Atoll and the Pacific Remote Islands.

Mr. Zinke recommended no changes to 17 other national monuments that the president included in the review, which he ordered after complaining some of his predecessors had locked up too much land and water in the preserves that can be created by presidents or Congress under the Antiquities Act of 1906. Most of the monuments that Mr. Zinke reviewed were created by two of Mr. Trump's Democratic predecessors, Barack Obama and Bill Clinton.

If the president acts on the recommendations, they could have enormous economic implications in areas around the monuments.

For example, huge fisheries could reopen in both the Atlantic and Pacific. Prior to a nearly 600,000-square-mile area being created as the Pacific Remote Islands Marine National Monument by the George W. Bush and Obama administrations, the region was a major fishery

for Hawaii and Samoa, Mr. Zinke said in his report. Along with the two other marine monuments he singled out for change, he asked the president to take actions including through boundary reductions to allow most commercial fishing to resume.

Similarly, a reduction in the size of Utah's 1.9-million acre Grand Staircase-Escalante National Monument—which was established by Mr. Clinton in 1996—could open that area of canyons to coal and oil exploration. The report notes that the monument contains “an estimated several billion tons of oil and large oil deposits.”

Mr. Zinke also said traditional activities such as ranching and logging would be better protected by reducing acreages or making other changes at Oregon's Cascade-Siskiyou, Nevada's Gold Butte and New Mexico's Rio Grande Del Norte national monuments.

And in the case of the Organ Mountains-Desert Peaks National Monument in southern New Mexico, Mr. Zinke recommended the president amend that preserve to, among other things, to lift motorized restrictions in areas close to the U.S.-Mexican border for national security reasons.

Mr. Zinke told the president his agency had received about 2.6 million comments about the monument, review but that most were from campaigns organized by environmental groups. He made a point during his personal tours of some of the monuments to meet with residents of nearby, rural areas who he said had not been adequately represented when the monuments were created.

“Too often, it is the local stakeholders who lack the organization, funding and institutional support to compete with well-funded NGOs (non-governmental organizations),” he wrote.

Mr. Zinke also recommended the president request congressional authority to enable tribal co-management of sensitive cultural areas, such as Native-American artifacts in the Gold Butte monument.

And he suggested the president establish three national monuments of his own: two representing buildings in Kentucky and Mississippi involved in African-American history, and a 130,000-acre natural area along Montana's Rocky Mountain Front important to the Blackfoot tribe called Badger-Two Medicine.

Environmental groups and their supporters said the president doesn't have the legal authority to significantly alter national monuments, and pledged to fight him in court if he follows through on the recommendations.

“Secretary Zinke's recommendations would amount to the largest elimination of protections for public lands and wildlife habitat in U.S. history,” said Matt Lee-Ashley, senior fellow at the Center for American Progress, a left-leaning think tank. “All told, this proposal—if implemented—would result in an area several times the size of Yosemite National Park being turned over for mining, drilling, and logging.”

Corrections & Amplifications:

Interior Secretary Ryan Zinke has recommended cutbacks or other changes to nearly half the geographic national monuments he recently reviewed. An earlier version of this article incorrectly stated he recommended cutbacks or changes to nearly half the national land monuments. (Sept. 17, 2017)

INTERIOR ANNOUNCES \$62 MILLION CONSTRUCTION CONTRACT ON NAVAJO-GALLUP WATER SUPPLY PROJECT

WASHINGTON – The Department of the Interior announced today that the Bureau of Reclamation is awarding a construction contract of almost \$62 million for part of the Navajo-Gallup Water Supply Project in New Mexico to increase the supply of clean drinking water to surrounding communities.

“This contract is a big step toward completing the Navajo-Gallup Water Supply Project, which is a top priority as it fits into the administration’s commitment to improving infrastructure,” U.S. Secretary of the Interior Ryan Zinke said. “The project is critical to providing a much-needed, long-term, sustainable water supply for people on the Navajo and Jicarilla Apache reservations and the City of Gallup. It is also the cornerstone of our commitments under the Navajo Nation San Juan River Water Rights Settlement.”

The contract was awarded to Oscar Renda Contracting Inc. of Roanoke, Texas. It covers Block 9-11, an integral component of the Navajo-Gallup Water Supply Project. When completed, the entire project will consist of approximately 300 miles of pipeline, two water treatment plants, 19 pumping plants, and multiple water storage tanks.

Under the new contract, Reaches 9 through 11 of the San Juan Lateral portion of the project will include construction of approximately 28 miles of 48-inch and 42-inch diameter water transmission pipeline between the community of Naschitti, New Mexico to the Twin Lakes, New Mexico area. Work on this segment of the project is anticipated to begin in January 2018 with completion scheduled for March 2020.

Upon completion of the entire Navajo-Gallup Water Supply Project in 2024, Block 9-11 will include turnouts to provide water to the communities of Naschitti, Buffalo Springs, Tohatchi, and Mexican Springs.

“This contract on a critical infrastructure project is the result of tremendous work by our Reclamation team and partners,” said Alan Mikkelsen, Reclamation’s Acting Commissioner. “The Navajo-Gallup Water Supply Project will improve the safety and quality of life by providing an increased supply of clean drinking water to communities within the project area.”

WH COMMS REPORT (new report filed Thursday)

Press Inquiries:

- ☐ Many small inquiries.
- ☐ E&E News: (Jennifer Yachnin)—**REQUEST--** Gov. Herbert yesterday talked about GSENM at his monthly press conference and said Zinke had indicated it would liked be reduced as it violated the AA. Separately he also said it could be transformed into two or three individual monuments. Any comment for a noon ET deadline?—**RESPONSE--** The Department has no new announcements on the monument review.
- ☐ Washington Post: (Juliet Eilperin) —**REQUEST--** I am working on a piece about how the secretarial order the Secretary signed on May 31 may translate into restarting seismic studies there, in part by modifying an existing regulation on the subject. Could you give me a call

when you can? I should be at my desk, though my cell is always available as a backup. We are aiming to run the story in print tomorrow, though the way things work on the weekends is that there's always a chance stories get bumped until Sunday or Monday. That said, I will wrap up the reporting and writing today, but even if I finish it this afternoon I would not have them post anything until we have had a chance to check in and you've been able to make inquiries on your end?—**RESPONSE**— Checking with Alaska team now. (Providing background information)

- ☐ Arizona DailyStar: (Tony Davis)—**REQUEST**-- I am working on an article on the Secretary's new executive order pertaining to hunting and recreational shooting within national monuments. I asked pios for the BLM in Arizona and NPS in Denver about the order's impacts and they referred me to your office. I have some questions on the order: Regarding BLM national monuments, in Arizona, the BLM has banned recreational target shooting on the Ironwood Forest National Monument near Tucson, where our paper is based. Does this order mean that ban will be reversed, and if so, how soon might that take effect? In Arizona, the National Park Service manages 13 national monuments. Will hunting and recreational target shooting be allowed on all those national monuments due to this order? I am aware that hunting currently isn't allowed in a lot of NPS national monuments. If they are allowed, how soon might that take place?—**RESPONSE**-- The order did not identify any particular monument or parcel of public land however the bureaus and services have been directed to look at restoring access to the extent that is applicable under law. There is no deadline in the order - other aspects have deadlines, you'll notice - because the Secretary realizes there is a process to revising management plans, but he is hopeful it's put into motion quickly.

Top Stories

- ☐ Associated Press: [US Wildfire Costs Hit Record \\$2.3 Billion; Season Isn't Over](#)
- ☐ CNN: [Trump admin to expand hunting access on public lands](#)
- ☐ Wall Street Journal: [Trump Administration to Expand Hunting at National Monuments](#)
- ☐ Washington Examiner: [Interior's Ryan Zinke issues order to boost hunting, fishing in parks and monuments](#)
- ☐ THE HILL: [Trump administration order expands hunters' access to public lands](#)

Top Issues and Accomplishments

- ☐ Interior continues to support all Hurricane Harvey and Hurricane Irma efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- ☐ Today, Interior announced the signing of [Secretarial Order 3356 to Support Sportsmen & Enhance Wildlife Conservation](#). The press release can be seen [HERE](#).
 - Today, Interior announced a \$62 Million Construction Contract on Navajo-Gallup Water Supply Project. The press release can be seen [HERE](#).
- ☐ **Tomorrow, Interior will announce the winners of the Federal Duck Stamp awards. There will be a Department level press release sent.**
- ☐ Tuesday, DOI will announce \$94.3 million to be distributed from the Land and Water

Conservation Fund to all 50 states and territories.

AGENCY MEDIA

WEEK AHEAD September 13 thru September 21, 2017

Secretarial-level Announcements/Events/Interviews

- ☐ This week the Secretary is in Washington, D.C., until Sept. 20, where he will travel to Springfield, MO, to participate in the ribbon cutting and the opening of the "Wonders of Wildlife National Museum and Aquarium."
- ☐ This week we are working with our federal, state, and Tribal partners to support the WH and FEMA with the Hurricane recovery and wildfire response. The NPS Director is in the USVI to oversee response efforts.
- ☐ September 13: we announced PDAS for Indian Affairs, John Tahsuda.
- ☐ September 14: Secretary Zinke will sign a Secretarial Order to Support Sportsmen & Enhance Conservation. We will issue a press release.
- ☐ September 18: Department-level Release: DOI and NPS will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 States, the Territories, and the District of Columbia for State-identified outdoor recreation and conservation projects.
- ☐ September 16: Department-level Release: Duck Stamp winners announced.
- ☐ TBD: Assistant Secretary for Insular Affairs Doug Domenech was confirmed by the Senate the evening of September 13. We will issue a statement and photo of his swearing-in asap.

National Park Service

- ☐ September TBD: Local NPS Release: NPS Pacific West Region will announce the new superintendent of Redwood National and State Parks.
- ☐ September TBD: Local NPS Release: NPS will issue a news release regarding the independent review panel findings that Golden Gate National Recreation Area dog rule process was unaffected by inappropriate personal email use.
- ☐ September 17: Antietam National Battlefield will commemorate the 150th anniversary of Antietam National Cemetery. The ceremony will begin at noon and include speeches by historian Gary Gallagher, U.S.S. Antietam Captain George Kessler, and Maryland Lieutenant Governor Boyd Rutherford. Following the ceremony, the public will be invited to participate in a reading of the names of those interred in the cemetery and the placing of flags at each grave site.

U.S. Fish and Wildlife Service

- ☐ September 19: Local FWS Release: FWS is required by settlement agreement to submit the endangered finding for the i'iwi to the Federal Register by September 20. Outreach is planned to Hawaiian media and to national conservation and bird-centric media.
- ☐ September TBD: Public comment period opening for voluntary wildlife conservation opportunity designed with Montana ranchers, regulatory certainty for the next 20 years through a Programmatic Candidate Conservation Agreement with Assurances (CCAA). Participants can voluntarily take steps to conserve the Sprague's pipit, McCown's longspur, chestnut-collared longspur, Baird's sparrow, and greater sage-grouse on their property while conducting their general business operations.

Bureau of Land Management

- ☐ Week of September 18: Local BLM Release: BLM-AZ will announce the acquisition of the 600-acre ET Ranch in Southeastern Arizona, through a shared conservation partnership with the Trust for Public Land and Arizona Game and Fish Department. The acquisition will open access for hunters, hikers, and backpackers to 32,600 acres of Federal wilderness area for the first time and is supported by 20 Arizona hunting and sporting groups.
- ☐ September 18: The public comment period closes on the BLM-NV December 2017 Oil and Gas Lease Sale Preliminary Environmental Assessment. A competitive oil and gas lease sale will be held December 12. The BLM received requests to lease 208 nominated parcels of public land, totaling 388,960 acres. The parcels are located in White Pine, Nye County, and Lincoln County. There is no estimate on the number of bidders at this time.
- ☐ September 19: BLM-WY Buffalo Field Office will meet with landowners from around the Pumpkin Buttes Traditional Cultural Property to discuss concerns with a proposed Programmatic Agreement that would streamline and define that tribal consultation about federal projects within three miles of the area would take place. The meeting will be staffed by local BLM management and subject matter experts on oil and gas development and cultural resources from the Buffalo Field Office. The public and media will be invited.
- ☐ September 21: National BLM Release: BLM-Eastern States will hold an online oil and gas lease sale for three parcels in Monroe County, OH, totaling 141.56 acres, and 3 parcels in Catahoula and Bienville Parishes, LA, totaling 50.15 acres. The sale in Ohio is expected to be controversial. Bidding is not expected to be robust.
- ☐ September 21: National BLM Release: BLM-WY will hold an online oil and gas lease sale for 141 parcels totaling 118,055.54 acres in Niobrara, Weston, Goshen, Crook, Converse, Campbell, Johnson, Fremont, Big Horn, Washakie, Weston, and Sheridan Counties, WY. The sale is not expected to be controversial. Bidding is not expected to be robust.

U.S. Geological Survey

- ☐ September 18: Local USGS Release: USGS will put out a release announcing that scientists from the GHSC and Menlo Park will be excavating a trench across the Teton fault in Jackson, Wyoming. A media availability will take place Sept. 20.
- ☐ September 18: Local USGS Release: USGS will put out a release announcing that scientists will conduct dye tracer and aerial mapping surveys on northern Idaho's Kootenai River.'
- ☐ September 21: National USGS Release: USGS will put out a release regarding a nature article on the potential release of mercury currently stored in permafrost.

Bureau of Ocean Energy Management

- ☐ September 15-19 (tent.): Note to Stakeholders on the Notice of Availability (NOA) for the Cape Wind Record of Decision (ROD). The ROD is due to be completed on Sep 15.
- ☐ September TBD: National BOEM Release: Gulf G&G PEIS Record of Decision.
- ☐ September TBD: National BOEM Release: BOEM will announce Marine Minerals
- ☐ Rule.

Office of Insular Affairs

- ☐ September TBD: OIA Release American Samoa Authorization to Proceed – Insular ABCs – Repairs in the Public Schools.
- ☐ September TBD: FSM Compact Infrastructure and Technical Assistance ~ \$1.5 million September TBD: RMI Press Release Compact Infrastructure \$149,436; Ebeye Special Needs \$300,000; Health Care Program for 4 Atolls (Section 177) \$697,387.
- ☐ September TBD: FY 2017 CIP Infrastructure funding for Guam and CNMI ~ \$10 million

Office of Natural Resources Revenue

- ☐ September TBD: National ONRR Release: ONRR will announce Secretary's appointment of 20 non-federal members of Royalty Policy Committee and announcing first Meeting of Committee on Oct. 4.

Bureau of Safety and Environmental Enforcement

- ☐ Week of September 18: Director Angelle is concluding his visits to the top 20 lessees in the Gulf

CONGRESSIONAL (updated)

Monday, September 18, 2017

BOEM held the *Development of the Five Year Offshore Oil and Gas Leading* briefing on the Hill.

Tuesday, September 19, 2017

9:30am: Senate Committee on Energy and Natural Resources

Business Meeting to consider the nominations of Mr. Ryan Nelson to be Solicitor of the Interior, Mr. Joseph Balash to be Assistant Secretary of the Interior for Land and Minerals Management, and Mr. Richard Glick and Mr. Kevin McIntyre to be Members of the Federal Energy Regulatory Commission.

10 AM: BLM official to testify before SENR committee: John Ruhs (Acting Deputy Director for Operation, BLM) will testify before the SENR Committee regarding "Vegetation Management Requirements for Electricity Assets on Federal Lands" and on Section 2310 of S. 1460, the Energy and Natural Resources Act, and H.R. 1873, the Electricity Reliability and Forest Protection Act. This hearing is of particular interest as the Administration is seeking solutions to mitigate wildfires by active management solutions. Sec. Zinke was the author of this legislation when he was in Congress.

Political Appointee Update

(update)

DOI politicals on board = 55

2 confirmed as of 9/18.

4 nominated awaiting confirmation:

Pending Senate floor vote: Susan Combs, Assistant Secretary Policy Management and Budget.

Pending Senate floor vote: Brenda Berman, Commissioner, Bureau of Reclamation.

Pending Senate Committee Vote 9/19: Joe Balash, Assistant Secretary, Land and Minerals.

Pending Senate Committee Vote 9/19: Ryan Douglas Nelson, Solicitor.

Overall:

Schedule C: 32 of 68 onboard; 1 starting; 5 in process

NC-SES: 22 of 44 onboard; 3 starting; 23 in process

PAS: 3 Confirmed; 4 Announced; 15 of 17 Submitted to PPO

-

Secretary Speaking Invitations (unchanged from Thursday)

Accepted

9/20-21 - Ribbon Cutting, Wonders of Wildlife Museum & Aquarium Bass Pro HQ (Springfield, MO)

9/22-24 - NRA Women's Leadership Forum Summit (Dallas, TX)

9/25 - Remarks at National Stone Sand and Gravel Association Legislative and Policy Forum (DC)

9/25 – National Petroleum Council

9/26 – National Clean Energy Week Symposium (DC)

9/26 - Jefferson's Islands Club Citizen of the Year Award (DC)

9/27-28 - Cohen Veterans Care Summit (DC)

Outstanding Invitations in Process

Open - Detroit Economic Club

Open - Americans for Tax Reform (DC)

Open - Weyrich Lunch (DC)

Declining

9/17 - 150th Anniversary for the Antietam National Cemetery (Antietam)

9/18 – Concordia Annual Summit (NYC)

9/23 - Southern Illinois Hunting & Fishing Days Inc. (Carterville, IL)

9/19-21 - Montana Wood Products Assn - Forest Resources Association Convention (Whitefish, MT)

9/20 – Remarks to the European Conservatives and Reformists Group (DC)

9/21 - Associated Industries of Florida (AIF) (DC)

9/23 - Buffalo Bill Centennial Ball (Cody, Wyoming)

9/23 - National Mining Hall of Fame (Denver, CO)

9/26 - Billings Chamber Annual Mtg (Billings, MT)

9/26 - S&P Annual Asia Pacific Petroleum Conference (Singapore)

9/26 - GAO for international conference on extractive industries (DC)

9/28-30 - Council for National Policy

10/1-3 - New Mexico Oil and Gas Association (Santa Fe)

10/2 - IOGCC Annual Meeting (Pittsburgh PA)

10/3 – ShaleTech Permian (Odessa, Texas)

10-16-17 Americans For Tax Reform Coalition Leaders Summit (Miami Beach, FL)

10/13 - Public Land & Resources Law Review's Public Land Law Conference (Missoula, MT)

11/14 – George Rogers Clark National Historical Park Quarter Launch (Vincennes, Indiana)

10/31 - George B. Hartzog, Jr. Awards and Speaker Program Clemson University (SC)

Emergency Management (new)

NEW: David Mihalic has been made coordinator of DOI interactions with FEMA. 467 DOI employees have volunteered to assist, 16 were sent to FEMA for anticipated deployment under wave 9 (depart date Sept 21); anticipate another 15 to join Wave 9. Wave 10 is anticipated to depart on 9/24.

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a

decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum amounts of 20 inches, across the central and southern Leeward Islands, including Puerto Rico and the U.S. Virgin Islands and British Virgin Islands, through Wednesday night. Rainfall could cause life-threatening flash floods and mudslides.

Support updates to the interagency Hurricane Irma Response are as follows:

DOI currently has 184 personnel supporting 10 FEMA Mission Assignments (MA) in response to Hurricane Irma.

In support of ESF #5 (Information and Planning), 10 USGS personnel were in the field in Florida yesterday retrieving storm surge sensors and analyzing data, with 120 surge sensors retrieved to date. A total of 4 storm surge sensors were lost in the storm, and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged, and 30 HWMs have been surveyed in Florida, alone. In Georgia, 9 USGS personnel were in the field retrieving storm surge sensors and flagging HWMs. A total of 58 surge sensors have been retrieved, and 42 HWMs have been flagged to date. While no personnel are currently deployed to Puerto Rico, 25 HWMs have been flagged to date. In support of ESF #13, Public Safety and Security, DOI Irma Quick Response Teams (QRT) 1, 4, and 6 are located in Orlando, Florida, pending assignment. DOI Irma QRTs 2, 3, and 5 continue to support the Seminole Tribe on a Direct Federal Assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

With respect to internal bureau and office-specific Irma activities:

The NPS EIMT continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT is reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down until a full review of the incident is completed. The EIMT also continues relocation of USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

USFWS reports 52 (-1) stations closed in the Service's Southeast Region (Region 4) due to Hurricane Irma.

The Bureau of Indian Affairs (BIA) reports that the Seminole Tribe of Florida has 3 (no change) shelters open, with a total population estimated at 24 (-1).

The USGS Caribbean Florida Water Science Center deployed four personnel yesterday to make discharge measurements, repair gages, and flag for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico.

Support updates to the interagency Hurricane Harvey Response are as follows:

There are 60 DOI personnel currently supporting 2 FEMA Mission Assignments for Harvey response and recovery.

Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed to date.

Wildland Fire Updates:

In Montana, the Sprague Fire in Glacier National Park has burned 16,790 (+795) acres and is 60 (no change)-percent contained. The fire is managed by a Type-2 IMT with 171 (+2) personnel assigned, including 63 (-26) DOI personnel. There are 238 (no change) residential structures and 48 (no change) commercial structures threatened. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. Full containment is expected on November 1.

In Oregon, the Spruce Lake Fire in Crater Lake National Park has burned 15,826 (+166) acres and is 22 (-5)-percent contained. The fire is managed by a Type-2 IMT with 41 (+1) personnel assigned. No DOI personnel are assigned to this fire. There are 39 (+4) residential structures threatened. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire. Full containment is expected on October 15.

Outside Media of Interest (new)**Politico: Court rejects BLM emissions calculations for coal mine expansion**

Ben Lefebvre

September 15, 2017

BLM ran afoul of the National Environmental Policy Act when it said a Wyoming mine expansion would not result in higher carbon dioxide emissions, a federal appeals court ruled today. The 10th Circuit U.S. Court of Appeals [decision](#) overturns a lower court ruling and potentially opens the door to more lawsuits against coal projects BLM approved following similar environmental reviews, said Nathaniel Shoaff, a senior attorney with the Sierra Club, one of the lead plaintiffs on the case. "The implications of the case is clear," Shoaff told POLITICO. "The agency has to be honest about the climate impacts of what it's doing. Every coal lease that BLM has issued in last five years can now be litigated on this precise issue." The Sierra Club and WildEarth Guardians sued in 2012 to prevent BLM from approving leases for an additional 2 billion tons of recoverable coal from a pair of existing surface mines in Wyoming's Powder River Basin. The green groups said BLM incorrectly assumed that buyers would have purchased the same amount of coal elsewhere if the mine expansions were not approved, rather than replacing coal-fired generation with cleaner sources. The three judges on the 10th Circuit panel agreed, finding that BLM's "perfect substitution" argument lacked evidence and was "arbitrary and capricious." The court said BLM must revise its environmental impact statement for the approvals, but did not overturn the leases themselves. BLM and the Wyoming Mining Association, another defendant in the case, were not immediately available for comment. **WHAT'S NEXT:** The U.S. District Court in Wyoming

will now review the decision to find a possible remedy.

Trump Administration To Expand Hunting At National Monuments.

The Wall Street Journal (9/15, Carlton) reports Interior Secretary Ryan Zinke on Friday signed an order to expand hunting, fishing, and target shooting at national monuments that previously had banned those activities. Zinke said, "The more people we can get outdoors, the better things will be for our public lands. ... Some of my best memories are hunting deer or reeling in rainbow trout back home in Montana, and I think every American should be able to have that experience."

The Hill (9/15, Manchester) reports that the order is "an extension of a previous order he signed aimed at restoring the 'American sportsmen conservation ethic.'" According to the article, "the move is likely to be welcomed by hunters and fishers and is the latest Trump effort to reach out to those groups."

The Grand Forks (ND) Herald (9/15) reports that "sportsmen's and conservation groups across the country are applauding" the order. Chris Cox, executive director of the National Rifle Association, said, "In the past, management plans for federal lands have been put in place to ban hunting and shooting. Sportsmen and women can now breathe a sigh of relief that those days are over. This administration values access to public lands for sportsmen and we commend them for it." The article notes that "other groups weighing in with support for the order included the National Wildlife Federation, the National Shooting Sports Foundation, Rocky Mountain Elk Foundation and the Congressional Sportsmen's Caucus."

However, the AP (9/15, Daly) reports that "environmentalists dismissed it as 'a do-nothing order.'" Matt Lee-Ashley, a former Interior official who is now a senior fellow at the left-leaning Center for American Progress, said that "the public already has the right to hunt and fish on federal lands, and states have primary authority to regulate hunting and fishing in those areas." Lee-Ashley said, "Secretary Zinke is trying desperately to create a distraction from his proposal to dramatically reduce the size of America's national monuments, which would be the largest elimination of protections for wildlife habitat in U.S. history."

Interior Report Recommends Cuts Or Changes To Seven National Land Monuments.

The Wall Street Journal (9/17, Carlton) reports that according to a report sent to the White House, Interior Secretary Ryan Zinke has recommended reductions or other changes to almost half of the national monuments he reviewed at the President's request. Among Zinke's recommendations are condensing the boundaries of the Bears Ears and Grand Staircase-Escalante preserves in Utah, Nevada's Gold Butte, Oregon's Cascade-Siskiyou, and reopening hundreds of thousands of square miles of protected the Pacific and Atlantic oceans to commercial fishing.

The Washington Post (9/17, Eilperin) says that the White House "is reviewing the recommendations and has not reached a final decision on them." If the changes recommended by Zinke are enacted, they "could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act."

The AP (9/17, Daly) reports that "if Trump adopts the recommendations, it would quiet some of the worst fears of his opponents, who warned that vast public lands and marine areas could be lost to states or private interests." However, "significant reductions in the size of the monuments, especially those created by Obama, would mark the latest in a string of actions where Trump has sought to erode his Democratic predecessor's legacy."

Trump Administration Working Toward Renewed Drilling In Arctic National Wildlife Refuge.

The [Washington Post](#) (9/15, A1, Eilperin) reports in a front-page article that the Trump Administration is moving to permit energy exploration in the Arctic National Wildlife Refuge for the first time in 30 years. In August, Fish and Wildlife Service acting director James W. Kurth ordered an update to “a rule that allowed exploratory drilling between Oct. 1, 1984, and May 31, 1986,” by removing the dates to allow “applicants to [submit] requests for approval of new exploration plans.” According to [Fortune](#) (9/15, Reiss), “tens of millions of dollars have been spent on the battle for ANWR” over the years. The piece extensively details past efforts to open up the area to drilling as well as current struggles, adding that Alaska’s senators – Lisa Murkowski and Dan Sullivan – believe “that 2018 will be the best chance for success that the pro-ANWR-drilling movement has had in 25 years.”

‘I’m Working In The ... Soviet Union.’ Interior Staff Eyed For Leaks.

[E&E Publishing](#) (9/15) reports the US EPA “intends to comply with a White House directive aimed at cracking down on leaks across the federal government, said agency spokeswoman Liz Bowman.” In an email, Bowman said, “We fully agree that government employees should do their part to protect classified information and control unclassified information. ... EPA is developing training to support the White House’s request.” Other officials in the government “are expected to get similar instructions after Trump’s national security adviser, H.R. McMaster, issued a memo earlier this month to the heads of agencies across government.” McMaster’s “directive comes as part of a broad effort by the Trump administration to crack down on leaks. The memo was sent to environmental and energy agency leaders, including EPA boss Scott Pruitt, Energy Secretary Rick Perry, Interior Secretary Ryan Zinke and the chairman of the Council on Environmental Quality (a post that is currently vacant).” E&E adds “press offices at DOE and Interior did not respond to requests for comment about whether they plan to hold training sessions.”

Feds Announce \$62 Million For Navajo Water Pipeline.

The [AP](#) (9/15) reports that the Interior Department “says it’s awarded a nearly \$62 million contract for construction of a water pipeline between two northwestern New Mexico communities.” The pipeline is part of the greater Navajo-Gallup Water Supply project. It “aims to create a sustainable water supply for Navajo Nation and Jicarilla Apache residents and Gallup.”

Minnesota Artist Wins Federal Duck Stamp Contest.

The [AP](#) (9/16) reports that “a Minnesota artist has won the federal duck stamp art contest for 2017.” The U.S. Fish and Wildlife Service “announced Saturday that Bob Hautman from Delano won the contest with his acrylic painting of a pair of mallards.” It is Hautman’s third win.

Trump, Pence Welcome Young Fan To White House To Mow Lawn.

The [CBS Evening News](#) (9/15, story 11, 0:25, Mason) reported 11-year-old Frank “FX” Giaccio of Falls Church, Virginia, “a young fan of President Trump,” last month “wrote him a letter offering to mow the White House lawn. And the President took him up on it.” CBS added that the President “asked FX what he wants to be when he grows up. He replied, ‘A Navy SEAL.’” [NBC Nightly News](#) (9/15, story 11, 0:25, Holt) reported FX “seemed to [mow the lawn] with such determination that it was hard for the President to get his attention. Afterward, Mr. Trump called Frank the ‘real future’ of the country.” The [Washington Post](#) (9/15, Moyer) reports Trump “[tweeted](#) a video that shows Frank at work behind a Honda mower with a steely-eyed stare before meeting Vice President Pence. Then he met Trump in the Oval Office.” The President stated, “Frank ‘FX’ Giaccio – On behalf of @FLOTUS Melania & myself, THANK YOU for doing a GREAT job this morning! @NatlParkService gives you an A+!”

Federal Register Listings: (new)

Items were cleared for the FR on Friday.

REG0007395 BLM Notice of Public Meeting: Eastern Washington Resource Advisory Council The Eastern Washington Resource Advisory Council is scheduled to meet on Thursday, October 26, 2017. Notice 09/15/2017

REG0007396 BLM Notice of Public Meeting: John Day-Snake Resource Advisory Council The John Day-Snake Resource Advisory Council is scheduled to meet on Thursday, October 12, 2017 and Friday, October 13, 2017. Notice 09/15/2017

REG0007397 BLM Notice of Public Meeting: Steens Mountain Advisory Council Public Land Access Subcommittee The Steens Mountain Advisory Council Public Land Access Subcommittee will hold public meetings on Thursday, September 21, 2017, and Friday, September 22, 2017. Notice 09/15/2017

REG0007398 BLM Notice of Public Meeting: San Juan Island National Monument Advisory Committee The San Juan Island National Monument Advisory Committee is scheduled to meet on October 19, 2017. Notice 09/15/2017

REG0007399 BLM Notice of Public Meetings: Mojave-Southern Great Basin Resource Advisory Council and its Planning and Recreation Subcommittees

The Mojave-Southern Great Basin Resource Advisory Council and its Planning and Recreation Subcommittees will meet on September 27, 2017. Notice 09/15/2017

REG0007418 FWS Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Iiwi This rule finalizes the listing of the Iiwi as threatened under the Endangered Species Act. Final Rule 09/15/2017

REG0007421 FWS Threatened Species Status for Pearl Darter This rule will finalize the listing of the Pearl Darter as a threatened species. This fish species occurs in the Pascagoula River drainages of Mississippi. Final Rule 09/15/2017

REG0007422 FWS Endangered Species Status for Sonoyta Mud Turtle This rule finalizes the listing of the Sonoyta Mud Turtle as Endangered under the Endangered Species Act. Final Rule 09/15/2017

REG0007424 NPS National Register of Historic Places, September 2, 2017 The NPS is soliciting comments on the significance of properties nominated before September 2, 2017, for listing in the National Register of Historic Places or related actions. Notice 09/15/2017

Lori K. Mashburn
White House Liaison
Department of the Interior
202.208.1694

DEPARTMENT OF THE INTERIOR DAILY UPDATE FOR CABINET AFFAIRS – 9/18/17

Lori Mashburn, White House Liaison

Status of the Secretary

TODAY: The Secretary is in Washington, DC.

Various meetings and briefings.

Call with Rep. Tom Cole (OK)

Movie Screening of “Only the Brave”

This Week:

9/18-19: Washington, DC. Various meetings and briefings. Revenue Comparison Analysis Model Meeting.

9/20: Travel to Missouri. Remarks at Gala Dinner Event - Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ.

9/21: Confirmed Ribbon Cutting Wonders of Wildlife Museum and Aquarium at the Bass Pro HQ. Travel to Dallas, TX.

9/22: Dinner Remarks at NRA Women's Leadership Forum Summit (Closed Press).

9/23: Washington. Wolf Trap Annual Gala.

Status of the Deputy Secretary

TODAY: The Deputy Secretary is in Washington, DC.

Media TODAY

E&E News: Zinke recommends shrinking as many as 6 sites

Jennifer Yachnin

September 18, 2017

President Trump could move to eliminate protections for nearly all of Utah's 1.9-million-acre Grand Staircase-Escalante National Monument — while also potentially making significant cuts to five other monuments — if he follows recommendations made by Interior Secretary Ryan Zinke, according to a leaked memorandum.

In a private report submitted to Trump in August, and first reported on by The Wall Street Journal, Zinke recommended the reduction of as many as six national and marine monuments, as well as amending the proclamations or management plans of four other sites to allow commercial fishing, protect grazing rights or use for timber harvesting.

White House spokeswoman Kelly Love declined to comment on the memorandum but told E&E News that no deadline has been set for the president to decide whether he will act on Zinke's recommendations.

"The Trump Administration does not comment on leaked documents, especially internal drafts which are still under review by the president and relevant agencies," Love said.

An Interior spokeswoman declined to comment and referred all inquiries to the White House.

Trump mandated the Interior review in an April executive order. The 120-day assessment included 27 monuments designated since 1996, all but one of which encompass more than 100,000 acres.

Although the order requested a final report by late August, Interior officials declined to release Zinke's recommendations last month, asserting that the memorandum was a draft. A copy of the memorandum

provided to E&E News by Public Employees for Environmental Responsibility includes the notation "Draft Deliberative — Not for Distribution" at the bottom of each page.

But Zinke acknowledged that he had recommended the reduction of a "handful" of sites. He had publicly called for unspecified cuts to the 1.35-million-acre Bears Ears National Monument in southeast Utah in mid-July, while also dismissing a half-dozen monuments from any alterations (Greenwire, Aug. 24).

The leaked memorandum shows Zinke urged Trump to reduce the acreage of four national monuments, including both Grand Staircase Escalante and Bears Ears, as well as Cascade-Siskiyou National Monument in Oregon and California and Gold Butte National Monument in Nevada.

The document also recommends either management or boundary changes to both the Rose Atoll Marine National Monument and the Pacific Remote Islands Marine National Monument.

Management changes are also recommended for Katahdin Woods and Waters National Monument in Maine, Northeast Canyons and Seamounts Marine National Monument near Massachusetts, and both the Organ Mountains-Desert Peaks and Rio Grande del Norte national monuments in New Mexico.

The report, however, doesn't include specific cuts or maps to identify areas for reductions.

"Some of these recommendations are very mysterious," said Kristen Brengel, vice president of government affairs at the National Parks Conservation Association.

But she added that Zinke's description of Grand Staircase-Escalante, for example, would suggest that the president could attempt to eliminate the vast majority of its current acreage.

"If you took everything that's in the preamble and thought this out to yourself ... basically, that would bring the monument down to nothing, and you're not protecting any of the sacred sites or petroglyphs," Brengel said.

Zinke's description of the southwestern Utah monument notes that it's home to "an estimated several billions tons of coal and large oil deposits," a point of contention since President Clinton established the monument in 1996 in part to lock up a massive coal deposit in the area's Kaiparowits Plateau while preserving cliffs, slot canyons and sandstone arches.

Zinke's report also notes that about 47 percent of the monument land is also designated as wilderness study area (WSA), a status he has previously suggested could be an alternative to national monument designation. He also pointed to county lawsuits over the use of R.S. 2477 roads within the monument and asserted that grazing has been reduced in the area because of difficulties with maintenance of roads and other infrastructure.

Reductions to both the Bears Ears and Gold Butte monuments would likewise remove tens of thousands of acres of WSAs, as well as local water districts in the Nevada site. The Cascade-Siskiyou reductions could include measures to "reduce impacts" on more than 52,000 acres of private inholdings and to ensure timber production on nearly 17,000 acres of Oregon and California Railroad Revested Lands. Changes to the marine monuments would include permitting commercial fishing.

"They want to basically allow all of these damaging activities, whether it's mining or oil and gas development, in monuments, when that's not what the Antiquities Act was intended to do," Brengel said. "It's the worst kind of 180 you could ever do in conservation. This is absolutely anti-conservation."

Trump urged to consider 3 new designations

Zinke's memorandum also sharply criticizes the use of the Antiquities Act — which allows presidents to designate monuments on federal lands with historic, cultural or scientific interest — for protecting large-scale landscapes, including "viewsheds" and "ecosystems."

"In the case of lands administered by the Bureau of Land Management (BLM), designating geographic landscape areas as objects of historic or scientific interest is especially problematic given that the determination of land uses is normally done under the robust public balancing processes pursuant to" the Federal Land Policy and Management Act, Zinke wrote.

"When landscape areas are designated and reserved as part of a monument, objects and large tracts of land are overlain by a more restructure management regime, which mandates protection of the objects identified."

He added, "This has the effect of significantly narrowing the range of uses and BLM's multiple-use mission."

Nonetheless, Zinke endorsed the creation of at least three new monuments, urging Trump to establish a public review process for those sites.

The potential monuments include the 4,000-acre Camp Nelson in Kentucky, a former Union Army supply depot, training center and hospital; the Medgar Evers Home in Mississippi, which is already a National Historic Landmark; and the 130,000-acre Badger-Two Medicine area in Montana.

WALL STREET JOURNAL: INTERIOR REPORT RECOMMENDS CUTS OR CHANGES TO SEVEN NATIONAL LAND MONUMENTS

Jim Carlton

September 17, 2017

Interior Secretary Ryan Zinke has recommended cutbacks or other changes to nearly half the geographic national monuments he recently reviewed at the request of President Donald Trump, according to a report sent to the White House and reviewed by The Wall Street Journal.

The report recommends reducing the boundaries of the Bears Ears and Grand Staircase-Escalante preserves in Utah, and reopening hundreds of thousands of square miles of protected oceans in both the Pacific and Atlantic to commercial fishing—in actions numerous environmental groups would likely fight to block.

Those are the findings in a report the secretary sent to Mr. Trump in August. The details of the report weren't released at the time.

Officials at the Interior Department referred requests for comment to the White House, which declined to comment.

"The Trump administration does not comment on leaked documents, especially internal drafts which are still under review by the president and relevant agencies," White House spokeswoman Kelly Love said in a statement Sunday.

Besides Bears Ears and Grand Staircase-Escalante, the list of land monuments recommended for downsizing or otherwise made less restrictive—including by allowing traditional activities including ranching and logging—are Oregon's Cascade-Siskiyou; Nevada's Gold Butte; Maine's Katahdin; and New Mexico's Organ Mountains-Desert Peaks and Rio Grande Del Norte. The ocean preserves Mr. Zinke wants reopened to commercial fishing include Northeast Canyons and Seamounts off the Massachusetts coast and both Rose Atoll and the Pacific Remote Islands.

Mr. Zinke recommended no changes to 17 other national monuments that the president included in the review, which he ordered after complaining some of his predecessors had locked up too much land and water in the preserves that can be created by presidents or Congress under the Antiquities Act of 1906.

Most of the monuments that Mr. Zinke reviewed were created by two of Mr. Trump's Democratic predecessors, Barack Obama and Bill Clinton.

If the president acts on the recommendations, they could have enormous economic implications in areas around the monuments.

For example, huge fisheries could reopen in both the Atlantic and Pacific. Prior to a nearly 600,000-square-mile area being created as the Pacific Remote Islands Marine National Monument by the George W. Bush and Obama administrations, the region was a major fishery for Hawaii and Samoa, Mr. Zinke said in his report. Along with the two other marine monuments he singled out for change, he asked the president to take actions including through boundary reductions to allow most commercial fishing to resume.

Similarly, a reduction in the size of Utah's 1.9-million acre Grand Staircase-Escalante National Monument—which was established by Mr. Clinton in 1996—could open that area of canyons to coal and oil exploration. The report notes that the monument contains “an estimated several billion tons of oil and large oil deposits.”

Mr. Zinke also said traditional activities such as ranching and logging would be better protected by reducing acreages or making other changes at Oregon's Cascade-Siskiyou, Nevada's Gold Butte and New Mexico's Rio Grande Del Norte national monuments.

And in the case of the Organ Mountains-Desert Peaks National Monument in southern New Mexico, Mr. Zinke recommended the president amend that preserve to, among other things, to lift motorized restrictions in areas close to the U.S.-Mexican border for national security reasons.

Mr. Zinke told the president his agency had received about 2.6 million comments about the monument, review but that most were from campaigns organized by environmental groups. He made a point during his personal tours of some of the monuments to meet with residents of nearby, rural areas who he said had not been adequately represented when the monuments were created.

“Too often, it is the local stakeholders who lack the organization, funding and institutional support to compete with well-funded NGOs (non-governmental organizations),” he wrote.

Mr. Zinke also recommended the president request congressional authority to enable tribal co-management of sensitive cultural areas, such as Native-American artifacts in the Gold Butte monument.

And he suggested the president establish three national monuments of his own: two representing buildings in Kentucky and Mississippi involved in African-American history, and a 130,000-acre natural area along Montana's Rocky Mountain Front important to the Blackfeet tribe called Badger-Two Medicine.

Environmental groups and their supporters said the president doesn't have the legal authority to significantly alter national monuments, and pledged to fight him in court if he follows through on the recommendations.

“Secretary Zinke's recommendations would amount to the largest elimination of protections for public lands and wildlife habitat in U.S. history,” said Matt Lee-Ashley, senior fellow at the Center for American Progress, a left-leaning think tank. “All told, this proposal—if implemented—would result in an area several times the size of Yosemite National Park being turned over for mining, drilling, and logging.”

Corrections & Amplifications:

Interior Secretary Ryan Zinke has recommended cutbacks or other changes to nearly half the geographic national monuments he recently reviewed. An earlier version of this article incorrectly stated he recommended cutbacks or changes to nearly half the national land monuments. (Sept. 17, 2017)

INTERIOR ANNOUNCES \$62 MILLION CONSTRUCTION CONTRACT ON NAVAJO-GALLUP WATER SUPPLY PROJECT

WASHINGTON – The Department of the Interior announced today that the Bureau of Reclamation is awarding a construction contract of almost \$62 million for part of the Navajo-Gallup Water Supply Project in New Mexico to increase the supply of clean drinking water to surrounding communities.

“This contract is a big step toward completing the Navajo-Gallup Water Supply Project, which is a top priority as it fits into the administration's commitment to improving infrastructure,” U.S. Secretary of the Interior Ryan Zinke said. “The project is critical to providing a much-needed, long-term, sustainable water supply for people on the Navajo and Jicarilla Apache reservations and the City of Gallup. It is also the cornerstone of our commitments under the Navajo Nation San Juan River Water Rights Settlement.”

The contract was awarded to Oscar Renda Contracting Inc. of Roanoke, Texas. It covers Block 9-11, an integral component of the Navajo-Gallup Water Supply Project. When completed, the entire project will consist of approximately 300 miles of pipeline, two water treatment plants, 19 pumping plants, and multiple water storage tanks.

Under the new contract, Reaches 9 through 11 of the San Juan Lateral portion of the project will include construction of approximately 28 miles of 48-inch and 42-inch diameter water transmission pipeline between the community of Naschitti, New Mexico to the Twin Lakes, New Mexico area. Work on this segment of the project is anticipated to begin in January 2018 with completion scheduled for March 2020.

Upon completion of the entire Navajo-Gallup Water Supply Project in 2024, Block 9-11 will include turnouts to provide water to the communities of Naschitti, Buffalo Springs, Tohatchi, and Mexican Springs.

“This contract on a critical infrastructure project is the result of tremendous work by our Reclamation team and partners,” said Alan Mikkelsen, Reclamation’s Acting Commissioner. “The Navajo-Gallup Water Supply Project will improve the safety and quality of life by providing an increased supply of clean drinking water to communities within the project area.”

WH COMMS REPORT (new report filed Thursday)

Press Inquiries:

- Many small inquiries.
- E&E News: (Jennifer Yachnin)—**REQUEST**-- Gov. Herbert yesterday talked about GSENM at his monthly press conference and said Zinke had indicated it would liked be reduced as it violated the AA. Separately he also said it could be transformed into two or three individual monuments. Any comment for a noon ET deadline?—**RESPONSE**-- The Department has no new announcements on the monument review.
- Washington Post: (Juliet Eilperin) —**REQUEST**-- I am working on a piece about how the secretarial order the Secretary signed on May 31 may translate into restarting seismic studies there, in part by modifying an existing regulation on the subject. Could you give me a call when you can? I should be at my desk, though my cell is always available as a backup. We are aiming to run the story in print tomorrow, though the way things work on the weekends is that there’s always a

chance stories get bumped until Sunday or Monday. That said, I will wrap up the reporting and writing today, but even if I finish it this afternoon I would not have them post anything until we have had a chance to check in and you've been able to make inquiries on your end?—

RESPONSE— Checking with Alaska team now. (Providing background information)

- Arizona DailyStar: (Tony Davis)—**REQUEST--** I am working on an article on the Secretary's new executive order pertaining to hunting and recreational shooting within national monuments. I asked pios for the BLM in Arizona and NPS in Denver about the order's impacts and they referred me to your office. I have some questions on the order: Regarding BLM national monuments, in Arizona, the BLM has banned recreational target shooting on the Ironwood Forest National Monument near Tucson, where our paper is based. Does this order mean that ban will be reversed, and if so, how soon might that take effect? In Arizona, the National Park Service manages 13 national monuments. Will hunting and recreational target shooting be allowed on all those national monuments due to this order? I am aware that hunting currently isn't allowed in a lot of NPS national monuments. If they are allowed, how soon might that take place?—**RESPONSE--** The order did not identify any particular monument or parcel of public land however the bureaus and services have been directed to look at restoring access to the extent that is applicable under law. There is no deadline in the order - other aspects have deadlines, you'll notice - because the Secretary realizes there is a process to revising management plans, but he is hopeful it's put into motion quickly.

Top Stories

- Associated Press: [US Wildfire Costs Hit Record \\$2.3 Billion; Season Isn't Over](#)
- CNN: [Trump admin to expand hunting access on public lands](#)
- Wall Street Journal: [Trump Administration to Expand Hunting at National Monuments](#)
- Washington Examiner: [Interior's Ryan Zinke issues order to boost hunting, fishing in parks and monuments](#)
- THE HILL: [Trump administration order expands hunters' access to public lands](#)

Top Issues and Accomplishments

- Interior continues to support all Hurricane Harvey and Hurricane Irma efforts. All bureaus are executing their emergency plans and assisting in Hurricane relief.
- Today, Interior announced the signing of [Secretarial Order 3356 to Support Sportsmen & Enhance Wildlife Conservation](#). The press release can be seen [HERE](#).
- Today, Interior announced a \$62 Million Construction Contract on Navajo-Gallup Water Supply Project. The press release can be seen [HERE](#).
- **Tomorrow, Interior will announce the winners of the Federal Duck Stamp awards. There will be a Department level press release sent.**
- Tuesday, DOI will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 states and territories.

AGENCY MEDIA

WEEK AHEAD September 13 thru September 21, 2017

Secretarial-level Announcements/Events/Interviews

- This week the Secretary is in Washington, D.C., until Sept. 20, where he will travel to Springfield, MO, to participate in the ribbon cutting and the opening of the “Wonders of Wildlife National Museum and Aquarium.”
- This week we are working with our federal, state, and Tribal partners to support the WH and FEMA with the Hurricane recovery and wildfire response. The NPS Director is in the USVI to oversee response efforts.
- September 13: we announced PDAS for Indian Affairs, John Tahsuda.
- September 14: Secretary Zinke will sign a Secretarial Order to Support Sportsmen & Enhance Conservation. We will issue a press release.
- September 18: Department-level Release: DOI and NPS will announce \$94.3 million to be distributed from the Land and Water Conservation Fund to all 50 States, the Territories, and the District of Columbia for State-identified outdoor recreation and conservation projects.
- September 16: Department-level Release: Duck Stamp winners announced.
- TBD: Assistant Secretary for Insular Affairs Doug Domenech was confirmed by the Senate the evening of September 13. We will issue a statement and photo of his swearing-in asap.

National Park Service

- September TBD: Local NPS Release: NPS Pacific West Region will announce the new superintendent of Redwood National and State Parks.
- September TBD: Local NPS Release: NPS will issue a news release regarding the independent review panel findings that Golden Gate National Recreation Area dog rule process was unaffected by inappropriate personal email use.
- September 17: Antietam National Battlefield will commemorate the 150th anniversary of Antietam National Cemetery. The ceremony will begin at noon and include speeches by historian Gary Gallagher, U.S.S. Antietam Captain George Kessler, and Maryland Lieutenant Governor Boyd Rutherford. Following the ceremony, the public will be invited to participate in a reading of the names of those interred in the cemetery and the placing of flags at each grave site.

U.S. Fish and Wildlife Service

- September 19: Local FWS Release: FWS is required by settlement agreement to submit the endangered finding for the i'iwi to the Federal Register by September 20. Outreach is planned to Hawaiian media and to national conservation and bird-centric media.
- September TBD: Public comment period opening for voluntary wildlife conservation opportunity designed with Montana ranchers, regulatory certainty for the next 20 years through a Programmatic Candidate Conservation Agreement with Assurances (CCAA). Participants can voluntarily take steps to conserve the Sprague's pipit, McCown's longspur, chestnut-collared longspur, Baird's sparrow, and greater sage-grouse on their property while conducting their general business operations.

Bureau of Land Management

- Week of September 18: Local BLM Release: BLM-AZ will announce the acquisition of the 600-acre ET Ranch in Southeastern Arizona, through a shared conservation partnership with the Trust for Public Land and Arizona Game and Fish Department. The acquisition will open access for hunters, hikers, and

backpackers to 32,600 acres of Federal wilderness area for the first time and is supported by 20 Arizona hunting and sporting groups.

- September 18: The public comment period closes on the BLM-NV December 2017 Oil and Gas Lease Sale Preliminary Environmental Assessment. A competitive oil and gas lease sale will be held December 12. The BLM received requests to lease 208 nominated parcels of public land, totaling 388,960 acres. The parcels are located in White Pine, Nye County, and Lincoln County. There is no estimate on the number of bidders at this time.
- September 19: BLM-WY Buffalo Field Office will meet with landowners from around the Pumpkin Buttes Traditional Cultural Property to discuss concerns with a proposed Programmatic Agreement that would streamline and define that tribal consultation about federal projects within three miles of the area would take place. The meeting will be staffed by local BLM management and subject matter experts on oil and gas development and cultural resources from the Buffalo Field Office. The public and media will be invited.
- September 21: National BLM Release: BLM-Eastern States will hold an online oil and gas lease sale for three parcels in Monroe County, OH, totaling 141.56 acres, and 3 parcels in Catahoula and Bienville Parishes, LA, totaling 50.15 acres. The sale in Ohio is expected to be controversial. Bidding is not expected to be robust.
- September 21: National BLM Release: BLM-WY will hold an online oil and gas lease sale for 141 parcels totaling 118,055.54 acres in Niobrara, Weston, Goshen, Crook, Converse, Campbell, Johnson, Fremont, Big Horn, Washakie, Weston, and Sheridan Counties, WY. The sale is not expected to be controversial. Bidding is not expected to be robust.

U.S. Geological Survey

- September 18: Local USGS Release: USGS will put out a release announcing that scientists from the GHSC and Menlo Park will be excavating a trench across the Teton fault in Jackson, Wyoming. A media availability will take place Sept. 20.
- September 18: Local USGS Release: USGS will put out a release announcing that scientists will conduct dye tracer and aerial mapping surveys on northern Idaho's Kootenai River.'
- September 21: National USGS Release: USGS will put out a release regarding a nature article on the potential release of mercury currently stored in permafrost.

Bureau of Ocean Energy Management

- September 15-19 (tent.): Note to Stakeholders on the Notice of Availability (NOA) for the Cape Wind Record of Decision (ROD). The ROD is due to be completed on Sep 15.
- September TBD: National BOEM Release: Gulf G&G PEIS Record of Decision.
- September TBD: National BOEM Release: BOEM will announce Marine Minerals
- Rule.

Office of Insular Affairs

- September TBD: OIA Release American Samoa Authorization to Proceed – Insular ABCs – Repairs in the Public Schools.

- September TBD: FSM Compact Infrastructure and Technical Assistance ~ \$1.5 million September TBD: RMI Press Release Compact Infrastructure \$149,436; Ebeye Special Needs \$300,000; Health Care Program for 4 Atolls (Section 177) \$697,387.
- September TBD: FY 2017 CIP Infrastructure funding for Guam and CNMI ~ \$10 million

Office of Natural Resources Revenue

- September TBD: National ONRR Release: ONRR will announce Secretary's appointment of 20 non-federal members of Royalty Policy Committee and announcing first Meeting of Committee on Oct. 4.

Bureau of Safety and Environmental Enforcement

- Week of September 18: Director Angelle is concluding his visits to the top 20 lessees in the Gulf

CONGRESSIONAL (updated)

Monday, September 18, 2017

BOEM held the *Development of the Five Year Offshore Oil and Gas Leading* briefing on the Hill.

Tuesday, September 19, 2017

9:30am: Senate Committee on Energy and Natural Resources

Business Meeting to consider the nominations of Mr. Ryan Nelson to be Solicitor of the Interior, Mr. Joseph Balash to be Assistant Secretary of the Interior for Land and Minerals Management, and Mr. Richard Glick and Mr. Kevin McIntyre to be Members of the Federal Energy Regulatory Commission.

10 AM: BLM official to testify before SENR committee: John Ruhs (Acting Deputy Director for Operation, BLM) will testify before the SENR Committee regarding "Vegetation Management Requirements for Electricity Assets on Federal Lands" and on Section 2310 of S. 1460, the Energy and Natural Resources Act, and H.R. 1873, the Electricity Reliability and Forest Protection Act. This hearing is of particular interest as the Administration is seeking solutions to mitigate wildfires by active management solutions. Sec. Zinke was the author of this legislation when he was in Congress.

Political Appointee Update (update)

DOI politicals on board = 55

2 confirmed as of 9/18.

4 nominated awaiting confirmation:

Pending Senate floor vote: Susan Combs, Assistant Secretary Policy Management and Budget.

Pending Senate floor vote: Brenda Berman, Commissioner, Bureau of Reclamation.

Pending Senate Committee Vote 9/19: Joe Balash, Assistant Secretary, Land and Minerals.

Pending Senate Committee Vote 9/19: Ryan Douglas Nelson, Solicitor.

Overall:

Schedule C: 32 of 68 onboard; 1 starting; 5 in process

NC-SES: 22 of 44 onboard; 3 starting; 23 in process

PAS: 3 Confirmed; 4 Announced; 15 of 17 Submitted to PPO

Secretary Speaking Invitations (unchanged from Thursday)

Accepted

9/20-21 - Ribbon Cutting, Wonders of Wildlife Museum & Aquarium Bass Pro HQ (Springfield, MO)

9/22-24 - NRA Women's Leadership Forum Summit (Dallas, TX)
9/25 - Remarks at National Stone Sand and Gravel Association Legislative and Policy Forum (DC)
9/25 – National Petroleum Council
9/26 – National Clean Energy Week Symposium (DC)
9/26 - Jefferson's Islands Club Citizen of the Year Award (DC)
9/27-28 - Cohen Veterans Care Summit (DC)
Outstanding Invitations in Process

Open - Detroit Economic Club
Open - Americans for Tax Reform (DC)
Open - Weyrich Lunch (DC)
Declining

9/17 - 150th Anniversary for the Antietam National Cemetery (Antietam)
9/18 – Concordia Annual Summit (NYC)
9/23 - Southern Illinois Hunting & Fishing Days Inc. (Carterville, IL)
9/19-21 - Montana Wood Products Assn - Forest Resources Association Convention (Whitefish, MT)
9/20 – Remarks to the European Conservatives and Reformists Group (DC)
9/21 - Associated Industries of Florida (AIF) (DC)
9/23 - Buffalo Bill Centennial Ball (Cody, Wyoming)
9/23 - National Mining Hall of Fame (Denver, CO)
9/26 - Billings Chamber Annual Mtg (Billings, MT)
9/26 - S&P Annual Asia Pacific Petroleum Conference (Singapore)
9/26 - GAO for international conference on extractive industries (DC)
9/28-30 - Council for National Policy
10/1-3 - New Mexico Oil and Gas Association (Santa Fe)
10/2 - IOGCC Annual Meeting (Pittsburgh PA)
10/3 – ShaleTech Permian (Odessa, Texas)
10-16-17 Americans For Tax Reform Coalition Leaders Summit (Miami Beach, FL)
10/13 - Public Land & Resources Law Review's Public Land Law Conference (Missoula, MT)
11/14 – George Rogers Clark National Historical Park Quarter Launch (Vincennes, Indiana)
10/31 - George B. Hartzog, Jr. Awards and Speaker Program Clemson University (SC)

Emergency Management (new)

NEW: David Mihalic has been made coordinator of DOI interactions with FEMA. 467 DOI employees have volunteered to assist, 16 were sent to FEMA for anticipated deployment under wave 9 (depart date Sept 21); anticipate another 15 to join Wave 9. Wave 10 is anticipated to depart on 9/24.

Hurricane Maria:

At 5:00 a.m. EDT, the center of Hurricane Maria was located approximately 100 miles east of Martinique and moving toward the west-northwest near 13 miles per hour (mph). This motion, with a decrease in forward speed, is expected through tomorrow night. Maria will move across the Leeward Islands tonight, then over the extreme northeastern Caribbean Sea on Tuesday, where it is likely to be at Category 3 or 4 intensity. Maximum sustained winds are near 90 mph, with higher gusts. Significant strengthening is forecast during the next 48 hours, and the system could near major hurricane intensity as it reaches the Leeward Islands later tonight. Maria is likely to affect the British and U.S. Virgin Islands (USVI) and Puerto Rico (PR) by midweek as a dangerous major hurricane. Hurricane watches have been issued for the British and USVI, as well as Puerto Rico.

Hurricane conditions are first expected within portions of the Leeward Islands by late today, with tropical storm conditions beginning during the day today. A dangerous storm surge accompanied by large and destructive waves will raise water levels by as much as 5 to 7 feet above normal tide levels near where the center of Maria moves across the Leeward Islands. Maria is also expected to produce total rain accumulations of 6 to 12 inches, with isolated maximum amounts of 20 inches, across the central and southern Leeward Islands, including Puerto Rico and the U.S. Virgin Islands and British Virgin Islands, through Wednesday night. Rainfall could cause life-threatening flash floods and mudslides.

Support updates to the interagency Hurricane Irma Response are as follows:

DOI currently has 184 personnel supporting 10 FEMA Mission Assignments (MA) in response to Hurricane Irma.

In support of ESF #5 (Information and Planning), 10 USGS personnel were in the field in Florida yesterday retrieving storm surge sensors and analyzing data, with 120 surge sensors retrieved to date. A total of 4 storm surge sensors were lost in the storm, and 32 sensors have been processed for data. In total, 37 high water marks (HWMs) have been flagged, and 30 HWMs have been surveyed in Florida, alone. In Georgia, 9 USGS personnel were in the field retrieving storm surge sensors and flagging HWMs. A total of 58 surge sensors have been retrieved, and 42 HWMs have been flagged to date. While no personnel are currently deployed to Puerto Rico, 25 HWMs have been flagged to date.

In support of ESF #13, Public Safety and Security, DOI Irma Quick Response Teams (QRT) 1, 4, and 6 are located in Orlando, Florida, pending assignment. DOI Irma QRTs 2, 3, and 5 continue to support the Seminole Tribe on a Direct Federal Assistance (DFA) mission to assist with community policing, site security, and the distribution of commodities.

With respect to internal bureau and office-specific Irma activities:

The NPS EIMT continues to operate its Incident Command Post (ICP) from the Krome Center in Homestead, Florida. Due to predicted impacts from Maria, the EIMT is reassigning personnel to PR in advance of the storm. The EIMT Incident Commander has approved a Type-3 IMT to be located in PR to assist with coordination in anticipation of Maria. The EIMT also reported one employee injury at Big Cypress yesterday. As a result, the EIMT has initiated a safety stand-down until a full review of the incident is completed. The EIMT also continues relocation of USVI staff and families that could potentially be impacted by incoming storms. Relocation planning is also underway in the event that Hurricane Maria makes a course for southern Florida. The primary relocation point will be Orlando, Florida, while the secondary point is Atlanta, Georgia.

USFWS reports 52 (-1) stations closed in the Service's Southeast Region (Region 4) due to Hurricane Irma.

The Bureau of Indian Affairs (BIA) reports that the Seminole Tribe of Florida has 3 (no change) shelters open, with a total population estimated at 24 (-1).

The USGS Caribbean Florida Water Science Center deployed four personnel yesterday to make discharge measurements, repair gages, and flag for additional measurements in Florida. There were no personnel scheduled for field work in Puerto Rico.

Support updates to the interagency Hurricane Harvey Response are as follows:

There are 60 DOI personnel currently supporting 2 FEMA Mission Assignments for Harvey response and recovery.

Twenty-four USGS personnel were in the field yesterday flagging and surveying HWMs in Texas. A total of 1,130 locations have had HWMs flagged, with 437 locations surveyed to date.

Wildland Fire Updates:

In Montana, the Sprague Fire in Glacier National Park has burned 16,790 (+795) acres and is 60 (no

change)-percent contained. The fire is managed by a Type-2 IMT with 171 (+2) personnel assigned, including 63 (-26) DOI personnel. There are 238 (no change) residential structures and 48 (no change) commercial structures threatened. The fire is causing significant economic impacts to park concessions, outfitters, and local residents. Opportunities for wetting rain will accompany a front today and again on Wednesday. Full containment is expected on November 1.

In Oregon, the Spruce Lake Fire in Crater Lake National Park has burned 15,826 (+166) acres and is 22 (-5)-percent contained. The fire is managed by a Type-2 IMT with 41 (+1) personnel assigned. No DOI personnel are assigned to this fire. There are 39 (+4) residential structures threatened. Crater Lake National Park reports that the North Entrance is closed until further notice due to fire activity. Several trails within Crater Lake National Park are closed, including the Pacific Crest Trail. Northern Spotted Owl habitat, sensitive aquatic species, Forest Service timber sale groves, and other sensitive plant and animal species are threatened by the fire. Full containment is expected on October 15.

Outside Media of Interest (new)

Politico: Court rejects BLM emissions calculations for coal mine expansion

Ben Lefebvre

September 15, 2017

BLM ran afoul of the National Environmental Policy Act when it said a Wyoming mine expansion would not result in higher carbon dioxide emissions, a federal appeals court ruled today. The 10th Circuit U.S. Court of Appeals [decision](#) overturns a lower court ruling and potentially opens the door to more lawsuits against coal projects BLM approved following similar environmental reviews, said Nathaniel Shoaff, a senior attorney with the Sierra Club, one of the lead plaintiffs on the case. "The implications of the case is clear," Shoaff told POLITICO. "The agency has to be honest about the climate impacts of what it's doing. Every coal lease that BLM has issued in last five years can now be litigated on this precise issue." The Sierra Club and WildEarth Guardians sued in 2012 to prevent BLM from approving leases for an additional 2 billion tons of recoverable coal from a pair of existing surface mines in Wyoming's Powder River Basin. The green groups said BLM incorrectly assumed that buyers would have purchased the same amount of coal elsewhere if the mine expansions were not approved, rather than replacing coal-fired generation with cleaner sources. The three judges on the 10th Circuit panel agreed, finding that BLM's "perfect substitution" argument lacked evidence and was "arbitrary and capricious." The court said BLM must revise its environmental impact statement for the approvals, but did not overturn the leases themselves. BLM and the Wyoming Mining Association, another defendant in the case, were not immediately available for comment. **WHAT'S NEXT:** The U.S. District Court in Wyoming will now review the decision to find a possible remedy.

Trump Administration To Expand Hunting At National Monuments.

The [Wall Street Journal](#) (9/15, Carlton) reports Interior Secretary Ryan Zinke on Friday signed an order to expand hunting, fishing, and target shooting at national monuments that previously had banned those activities. Zinke said, "The more people we can get outdoors, the better things will be for our public lands. ... Some of my best memories are hunting deer or reeling in rainbow trout back home in Montana, and I think every American should be able to have that experience."

[The Hill](#) (9/15, Manchester) reports that the order is "an extension of a previous order he signed aimed at restoring the 'American sportsmen conservation ethic.'" According to the article, "the move is likely to be welcomed by hunters and fishers and is the latest Trump effort to reach out to those groups."

The [Grand Forks \(ND\) Herald](#) (9/15) reports that "sportsmen's and conservation groups across the country are applauding" the order. Chris Cox, executive director of the National Rifle Association, said,

"In the past, management plans for federal lands have been put in place to ban hunting and shooting. Sportsmen and women can now breathe a sigh of relief that those days are over. This administration values access to public lands for sportsmen and we commend them for it." The article notes that "other groups weighing in with support for the order included the National Wildlife Federation, the National Shooting Sports Foundation, Rocky Mountain Elk Foundation and the Congressional Sportsmen's Caucus."

However, the [AP](#) (9/15, Daly) reports that "environmentalists dismissed it as 'a do-nothing order.'" Matt Lee-Ashley, a former Interior official who is now a senior fellow at the left-leaning Center for American Progress, said that "the public already has the right to hunt and fish on federal lands, and states have primary authority to regulate hunting and fishing in those areas." Lee-Ashley said, "Secretary Zinke is trying desperately to create a distraction from his proposal to dramatically reduce the size of America's national monuments, which would be the largest elimination of protections for wildlife habitat in U.S. history."

Interior Report Recommends Cuts Or Changes To Seven National Land Monuments.

The [Wall Street Journal](#) (9/17, Carlton) reports that according to a report sent to the White House, Interior Secretary Ryan Zinke has recommended reductions or other changes to almost half of the national monuments he reviewed at the President's request. Among Zinke's recommendations are condensing the boundaries of the Bears Ears and Grand Staircase-Escalante preserves in Utah, Nevada's Gold Butte, Oregon's Cascade-Siskiyou, and reopening hundreds of thousands of square miles of protected the Pacific and Atlantic oceans to commercial fishing.

The [Washington Post](#) (9/17, Eilperin) says that the White House "is reviewing the recommendations and has not reached a final decision on them." If the changes recommended by Zinke are enacted, they "could test the legal boundaries of what powers a president holds under the 1906 Antiquities Act."

The [AP](#) (9/17, Daly) reports that "if Trump adopts the recommendations, it would quiet some of the worst fears of his opponents, who warned that vast public lands and marine areas could be lost to states or private interests." However, "significant reductions in the size of the monuments, especially those created by Obama, would mark the latest in a string of actions where Trump has sought to erode his Democratic predecessor's legacy."

Trump Administration Working Toward Renewed Drilling In Arctic National Wildlife Refuge.

The [Washington Post](#) (9/15, A1, Eilperin) reports in a front-page article that the Trump Administration is moving to permit energy exploration in the Arctic National Wildlife Refuge for the first time in 30 years. In August, Fish and Wildlife Service acting director James W. Kurth ordered an update to "a rule that allowed exploratory drilling between Oct. 1, 1984, and May 31, 1986," by removing the dates to allow "applicants to [submit] requests for approval of new exploration plans." According to [Fortune](#) (9/15, Reiss), "tens of millions of dollars have been spent on the battle for ANWR" over the years. The piece extensively details past efforts to open up the area to drilling as well as current struggles, adding that Alaska's senators – Lisa Murkowski and Dan Sullivan – believe "that 2018 will be the best chance for success that the pro-ANWR-drilling movement has had in 25 years."

'I'm Working In The ... Soviet Union.' Interior Staff Eyed For Leaks.

[E&E Publishing](#) (9/15) reports the US EPA "intends to comply with a White House directive aimed at cracking down on leaks across the federal government, said agency spokeswoman Liz Bowman." In an email, Bowman said, "We fully agree that government employees should do their part to protect classified information and control unclassified information. ... EPA is developing training to support the White House's request." Other officials in the government "are expected to get similar instructions after

Trump's national security adviser, H.R. McMaster, issued a memo earlier this month to the heads of agencies across government." McMaster's "directive comes as part of a broad effort by the Trump administration to crack down on leaks. The memo was sent to environmental and energy agency leaders, including EPA boss Scott Pruitt, Energy Secretary Rick Perry, Interior Secretary Ryan Zinke and the chairman of the Council on Environmental Quality (a post that is currently vacant)." E&E adds "press offices at DOE and Interior did not respond to requests for comment about whether they plan to hold training sessions."

Feds Announce \$62 Million For Navajo Water Pipeline.

The [AP](#) (9/15) reports that the Interior Department "says it's awarded a nearly \$62 million contract for construction of a water pipeline between two northwestern New Mexico communities." The pipeline is part of the greater Navajo-Gallup Water Supply project. It "aims to create a sustainable water supply for Navajo Nation and Jicarilla Apache residents and Gallup."

Minnesota Artist Wins Federal Duck Stamp Contest.

The [AP](#) (9/16) reports that "a Minnesota artist has won the federal duck stamp art contest for 2017." The U.S. Fish and Wildlife Service "announced Saturday that Bob Hautman from Delano won the contest with his acrylic painting of a pair of mallards." It is Hautman's third win.

Trump, Pence Welcome Young Fan To White House To Mow Lawn.

The [CBS Evening News](#) (9/15, story 11, 0:25, Mason) reported 11-year-old Frank "FX" Giaccio of Falls Church, Virginia, "a young fan of President Trump," last month "wrote him a letter offering to mow the White House lawn. And the President took him up on it." CBS added that the President "asked FX what he wants to be when he grows up. He replied, 'A Navy SEAL.'" [NBC Nightly News](#) (9/15, story 11, 0:25, Holt) reported FX "seemed to [mow the lawn] with such determination that it was hard for the President to get his attention. Afterward, Mr. Trump called Frank the 'real future' of the country." The [Washington Post](#) (9/15, Moyer) reports Trump "tweeted a video that shows Frank at work behind a Honda mower with a steely-eyed stare before meeting Vice President Pence. Then he met Trump in the Oval Office." The President stated, "Frank 'FX' Giaccio – On behalf of @FLOTUS Melania & myself, THANK YOU for doing a GREAT job this morning! @NatlParkService gives you an A+!"

Federal Register Listings: (new)

Items were cleared for the FR on Friday.

REG0007395 BLM Notice of Public Meeting: Eastern Washington Resource Advisory Council The Eastern Washington Resource Advisory Council is scheduled to meet on Thursday, October 26, 2017. Notice 09/15/2017

REG0007396 BLM Notice of Public Meeting: John Day-Snake Resource Advisory Council The John Day-Snake Resource Advisory Council is scheduled to meet on Thursday, October 12, 2017 and Friday, October 13, 2017. Notice 09/15/2017

REG0007397 BLM Notice of Public Meeting: Steens Mountain Advisory Council Public Land Access Subcommittee The Steens Mountain Advisory Council Public Land Access Subcommittee will hold public meetings on Thursday, September 21, 2017, and Friday, September 22, 2017. Notice 09/15/2017

REG0007398 BLM Notice of Public Meeting: San Juan Island National Monument Advisory Committee The San Juan Island National Monument Advisory Committee is scheduled to meet on October 19, 2017. Notice 09/15/2017

REG0007399 BLM Notice of Public Meetings: Mojave-Southern Great Basin Resource Advisory Council and its Planning and Recreation Subcommittees The Mojave-Southern Great Basin Resource Advisory Council and its Planning and Recreation Subcommittees will meet on September 27, 2017. Notice 09/15/2017

REG0007418 FWS Endangered and Threatened Wildlife and Plants; Threatened Species Status for the Iiwi This rule finalizes the listing of the Iiwi as threatened under the Endangered Species Act. Final Rule 09/15/2017

REG0007421 FWS Threatened Species Status for Pearl Darter This rule will finalize the listing of the Pearl Darter as a threatened species. This fish species occurs in the Pascagoula River drainages of Mississippi. Final Rule 09/15/2017

REG0007422 FWS Endangered Species Status for Sonoyta Mud Turtle This rule finalizes the listing of the Sonoyta Mud Turtle as Endangered under the Endangered Species Act. Final Rule 09/15/2017

REG0007424 NPS National Register of Historic Places, September 2, 2017 The NPS is soliciting comments on the significance of properties nominated before September 2, 2017, for listing in the National Register of Historic Places or related actions. Notice 09/15/2017

To: Flanagan, Denise[denise_flanagan@ios.doi.gov]
Cc: Limon, Raymond[raymond_limon@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov]; Mary Pletcher[mary_pletcher@ios.doi.gov]; Lawson, Christopher[christopher_lawson@ios.doi.gov]; Adrienne Moss[adrienne_moss@ios.doi.gov]
From: Olivia Ferriter
Sent: 2017-09-16T16:22:03-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-16T16:22:12-04:00

I will give you minor edits on Monday.

Sent from my iPad

On Sep 15, 2017, at 6:34 PM, Flanagan, Denise <denise_flanagan@ios.doi.gov> wrote:

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

Denise,

Per our short chat during the OMB meeting, we wanted to share some placeholder language for need legislation in support of our agency reform:

VERA/VSIP Authority:

The Department seeks Voluntary Separation Incentive Payments (VSIP) authority and Voluntary Early Retirement Authority (VERA) to provide maximum flexibility to bureaus and offices to effectively and do real-time workforce reshaping efforts while minimizing the lengthy and cumbersome outside agency review process. The delegation of authority would be similar to what is delegated to the Department of Defense.

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Change Pay Retention for Management Directed Reassignments Outside of Geographic

Area:

The Department seeks a change in mandatory pay retention regulations as a result of management action such as a geographic conversion. [See 5 CFR 536.303(b) and 536.304.] This change will allow the Department to realize immediate cost reductions by relocating employees to geographic locations with lower locality pay. Under the current regulation, potential cost savings will be mitigated for at least two years due to pay retention regulations when moving staff away from large urban centers.

Let me know if this is helpful or if you have any questions,

Thanks, Ray

--

Raymond A. Limon
Director, Office of Human Resources
Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

--

Denise Flanagan, CDFM
Director, Office of Budget
U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: James Cason[james_cason@ios.doi.gov]
From: Cameron, Scott
Sent: 2017-09-15T19:46:27-04:00
Importance: Normal
Subject: New HR-related legislative language for the FY 19 budget
Received: 2017-09-15T19:47:04-04:00

Jim,

When we were talking to OMB about HR issues this afternoon, they encouraged us to float some additional ideas as legislative provisions to add to our FY 19 budget request.

We came up with the three ideas below.

(b)(5)

(b)(5)

Unless directed otherwise, I plan to forward these to OMB at COB Monday.

Thanks,
Scott
Scott J. Cameron
Principal Deputy Assistant Secretary for Policy, Management and Budget
Office of the Secretary of the Interior
Desk 202 208 4242
Cell 202 706 9031

----- Forwarded message -----

From: **Flanagan, Denise** <denise_flanagan@ios.doi.gov>
Date: Fri, Sep 15, 2017 at 6:34 PM
Subject: Re: HR-related legislative language
To: "Limon, Raymond" <raymond_limon@ios.doi.gov>, Scott Cameron <scott_cameron@ios.doi.gov>, Olivia Ferriter <olivia_ferriter@ios.doi.gov>
Cc: Mary Pletcher <mary_pletcher@ios.doi.gov>, "Lawson, Christopher" <christopher_lawson@ios.doi.gov>, Adrienne Moss <adrienne_moss@ios.doi.gov>

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

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Let me know if this is helpful or if you have any questions,

Thanks, Ray

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Raymond A. Limon
Director, Office of Human Resources
Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

--

Denise Flanagan, CDFM
Director, Office of Budget
U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Cameron, Scott[scott_cameron@ios.doi.gov]
From: Flanagan, Denise
Sent: 2017-09-15T20:50:24-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-15T20:50:26-04:00

Thanks!

On Fri, Sep 15, 2017 at 7:48 PM, Cameron, Scott <scott_cameron@ios.doi.gov> wrote:

I have asked Jim Cason to let us know by COB Monday if he has any objections to these ideas, otherwise, we'd be good to go.

Thanks,
Scott
Scott J. Cameron
Principal Deputy Assistant Secretary for Policy, Management and Budget
Office of the Secretary of the Interior
Desk 202 208 4242
Cell 202 706 9031

On Fri, Sep 15, 2017 at 6:34 PM, Flanagan, Denise <denise_flanagan@ios.doi.gov> wrote:

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

Denise,

Per our short chat during the OMB meeting, we wanted to share some placeholder language for need legislation in support of our agency reform:

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Thanks, Ray

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Raymond A. Limon
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Email: Denise_Flanagan@ios.doi.gov

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U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Flanagan, Denise[denise_flanagan@ios.doi.gov]
From: Cameron, Scott
Sent: 2017-09-15T19:48:08-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-15T19:48:40-04:00

I have asked Jim Cason to let us know by COB Monday if he has any objections to these ideas, otherwise, we'd be good to go.

Thanks,
Scott
Scott J. Cameron
Principal Deputy Assistant Secretary for Policy, Management and Budget
Office of the Secretary of the Interior
Desk 202 208 4242
Cell 202 706 9031

On Fri, Sep 15, 2017 at 6:34 PM, Flanagan, Denise <denise_flanagan@ios.doi.gov> wrote:

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Ray - Thanks so much! This is really helpful!

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Cc: Mary Pletcher[mary_pletcher@ios.doi.gov]; Lawson, Christopher[christopher_lawson@ios.doi.gov]; Adrienne Moss[adrienne_moss@ios.doi.gov]
From: Flanagan, Denise
Sent: 2017-09-15T18:34:10-04:00
Importance: Normal
Subject: Re: HR-related legislative language
Received: 2017-09-15T18:34:17-04:00

Olivia and Scott - Please let me know on Monday if you have any edits or additions. If not, I will add to our Legislative Proposals paper and resend the paper to OMB. Thanks! Denise

Ray - Thanks so much! This is really helpful!

On Fri, Sep 15, 2017 at 5:57 PM, Limon, Raymond <raymond_limon@ios.doi.gov> wrote:

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Director, Office of Human Resources

Deputy, Chief Human Capital Officer
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202-208-5310

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U.S. Department of the Interior
1849 C. Street NW, Room 4108
Washington DC 20240
Phone: 202-208-5309 (Direct Line)
Email: Denise_Flanagan@ios.doi.gov

To: Flanagan, Denise[denise_flanagan@ios.doi.gov]
Cc: Mary Pletcher[mary_pletcher@ios.doi.gov]; Scott Cameron[scott_cameron@ios.doi.gov];
Lawson, Christopher[christopher_lawson@ios.doi.gov]
From: Limon, Raymond
Sent: 2017-09-15T17:57:40-04:00
Importance: Normal
Subject: HR-related legislative language
Received: 2017-09-15T17:57:46-04:00

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Raymond A. Limon
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Deputy, Chief Human Capital Officer
Department of Interior
202-208-5310

To: Mary Pletcher[mary_pletcher@ios.doi.gov]
Cc: Limon, Ray[raymond_limon@ios.doi.gov]; Christopher Lawson[christopher_lawson@ios.doi.gov]; Olivia Ferriter[Olivia_Ferriter@ios.doi.gov]
From: Summers, Christina
Sent: 2017-09-12T10:33:49-04:00
Importance: Normal
Subject: Agency Reform Plan (Final) & Long-Term Workforce Plan (Appendix E)
Received: 2017-09-12T10:34:23-04:00
[Agency Reform Plan - FINAL 9.12.17 .pdf](#)

Hi Mary,

Attached is the Final version of the Agency Reform Plan, which is being submitted to OMB today.

For the Long-Term Workforce Plan (Appendix E), only minor modifications were made by Jim Cason. Per Jim, (b)(5)

(b)(5) The timing of the proposals in the Workforce Plan was also updated to align more fully with the high level timeline on page 37.

Christina

--

Christina Summers, FAC P/PM

On detail to the Office of the Assistant Secretary/Policy, Management & Budget
202-208-4030 (Work)

Office of the Director
Interior Business Center
202-802-6174 (Cell) christina_summers@ibc.doi.gov
US Department of the Interior
Office of the Secretary
www.ibc.doi.gov

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Agency Reform Plan

U.S. Department of the Interior

Preparing Land and Water Management for the Next 100 Years

U.S. Department of the Interior
AGENCY REFORM PLAN

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U.S. Department of the Interior
AGENCY REFORM PLAN

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AGENCY REFORM PLAN

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The Secretary's Message

The Next Frontier of Federal Land and Water Management

Just over a hundred years ago, President Theodore Roosevelt had a vision to place millions of acres of public lands under Federal protection “for the benefit and enjoyment of the people.” He and other great visionaries such as John Wesley Powell and Gifford Pinchot are responsible for creating the American conservation ethic that we revere today.

Thanks to their bold leadership, our national parks, wildlife refuges, monuments, wildernesses, and other managed public lands and waters stand as the world’s gold standard for public access and resource management based on science and best practices.

As Roosevelt had the courage over a hundred years ago to look to the future, it is time we have the same courage to meet the future demands of our public lands and be the best stewards we can in the next century.



President Donald Trump’s vision of reforming the Federal Government to work better for the American taxpayer, as outlined in the President’s Executive Order 13781 “Comprehensive Plan for Reorganizing the Executive Branch,” and further delineated through OMB Memo M-17-22, gives us a bold opportunity to do that. (b)(5)

(b)(5)

(b)(5) This concept will allow Interior and other participating agencies to better address concerns using a system-level approach to better manage important resources such as watersheds, wildlife corridors, trail systems, infrastructure requirements, and recreational access.

This change will require the bureaus within the Department of Interior to work more closely together on key management decisions and have a formalized structure for multi-department, state, and tribal coordination and consultation. Our restructure will allow us to operate and work together within an ecosystem and be more joint and collaborative in approach.

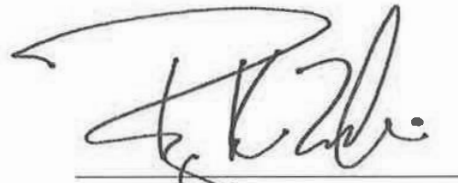
This would achieve the President’s directive in Executive Order 13807 “Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure.” (b)(5)

(b)(5) If approved by OMB, an integrated Federal land and water management approach will set the groundwork for

driving significant efficiencies in approval processes and timeliness of new major infrastructure projects.

I strongly believe our plan will meet the President's vision for reforming the Government as set forth in his Executive Order "Comprehensive Plan for Reorganizing the Federal Government." Implementation of the proposed Government-wide reform will require full approval and support from OMB, our sister agencies, and Congress.

I intend to move the Department of the Interior forward consistent with that plan, based on all of the initiatives I have laid out for the Department's internal reform. I intend to work with other agencies noted herein to integrate our mission efforts more seamlessly to serve the public. I am committed to boldly preparing Federal land and water management to more efficiently meet the needs of tomorrow, while better serving the American public today.

A handwritten signature in black ink, appearing to read 'R. Zinke', is written over a horizontal line.

Ryan K. Zinke
Secretary of the Interior

U.S. Department of the Interior
AGENCY REFORM PLAN

Executive Order: Comprehensive Plan for Reorganizing the Federal Government

Executive Order Summary

On March 13, 2017, the President of the United States Donald J. Trump issued Executive Order 13781: *Comprehensive Plan for Reorganizing the Federal Government*, which directed the Office of Management and Budget (OMB) and federal agencies to work together on a large-scale plan to reorganize and reshape the federal government. Through the Executive Order, the President directed the head of each federal agency to submit a plan to OMB to reorganize the agency, if appropriate, in order to improve the overall efficiency, effectiveness, and accountability of that agency.

The Executive Order also directed the Director of OMB to develop a government-wide reform plan, which would provide recommendations to eliminate unnecessary agencies, components of agencies, and agency programs, and to merge functions. The reform plan should also include recommendations for any legislation or administrative measures which are necessary to achieve the proposed reforms.

Additional guidance was provided to the Director to consider the following factors:

- *Whether some or all of the functions of an agency, a component, or a program are appropriate for the Federal Government or would be better left to State or local governments or to the private sector through free enterprise;*
- *Whether some or all of the functions of an agency, a component, or a program are redundant, including with those of another agency, component, or program;*
- *Whether certain administrative capabilities necessary for operating an agency, a component, or a program are redundant with those of another agency, component, or program;*
- *Whether the costs of continuing to operate an agency, a component, or a program are justified by the public benefits it provides;*
- *The costs of shutting down or merging agencies, components, or programs, including the costs of addressing the equities of affected agency staff.*

OMB Guidance M-17-22

To achieve the requirements set forth in the Executive Order, on April 12, 2017, the Director of OMB issued the memorandum M-17-22 “Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce,” providing additional guidance to all federal agencies. In the memorandum, OMB addressed the need for a government-wide reform to better serve the American people, who are increasingly dissatisfied with the cost and

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performance of the federal government. OMB highlighted the need for the federal government to focus on eliminating or reducing programs, instead of establishing additional duplicative programs. OMB also requested input from each agency on proposals for internal agency reforms and cross-cutting government reforms.

OMB instructed agencies to look at the alignment of agency activities with the mission, resulting in proposals in the following four categories:

- Eliminate activities
- Restructure or merge
- Improve organizational efficiency and effectiveness
- Workforce management

OMB has instructed all federal agencies to submit an Agency Reform Plan and a Workforce Reduction Plan as part of each agency's FY 2019 Budget submission.

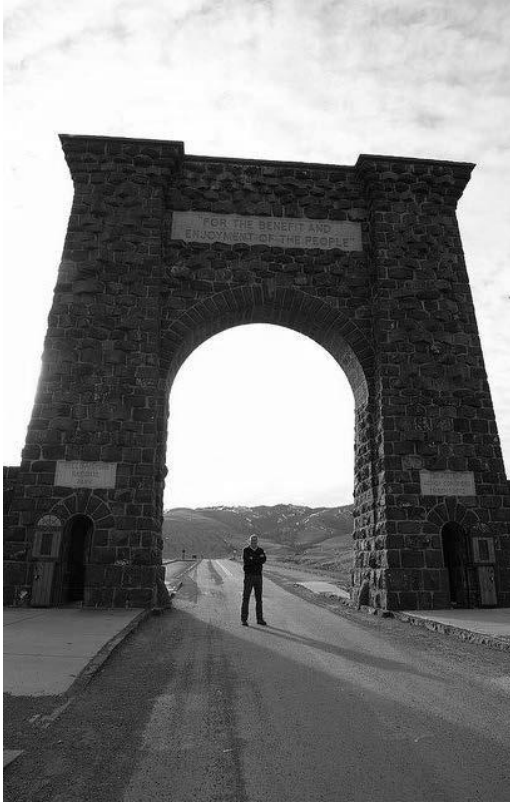
Components of Interior's Reform Proposal

To address the President's Executive Order 13781 and OMB Memorandum M-17-22, the Secretary of the Interior proposes the following federal government-wide and internal agency reforms, as organized within the following 3 components:

- Federal Government-wide Reform Plan (as proposed by Interior)
- Interior's Agency Reform Plan
- Interior's Long-Term Workforce Plan (see *Appendix E*)

Interior's proposals address all four categories identified by OMB.

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Federal Government-wide Reform Proposal

The Interior Secretary's Vision: A New Frontier in Federal Land and Water Management

In response to the President's Executive Order 13781 and the OMB Director's Memorandum M-17-22, the Secretary of the Interior has set forth a bold and transformational government-wide vision, which seeks to address many of the challenges the federal government faces today. Under the Secretary's strategic vision and leadership, Interior seeks to be at the forefront of the federal government in presenting a visionary reform proposal which will transform the way the federal government currently executes the land and water management mission for the American people.

Through the Secretary's bold reform plan, the Secretary is laying the future foundation for conservation stewardship efforts for federal land and water management. Through the implementation of the Secretary's reform agenda, federal land and water management will more fully model the guiding principle from conservationist President Teddy Roosevelt: "For the Benefit and Enjoyment of the People."

Current challenges across the Federal Government

As referenced in OMB Memorandum M-17-22, the federal government is in need of reform to be more effective and efficient. The federal government is burdened with layers of bureaucracy, creating more barriers for communicating across agencies, and for effectively accomplishing their missions. Several agencies manage overlapping and duplicative programs, to include federal land and water management agencies. This government-wide issue is compounded as more agency programs have been added without an in depth look at a better solution: eliminating unnecessary programs that do not add value to the American people and consolidating programs that are still necessary but which overlap. Currently, there is also no existing mechanism which directs and ensures the ongoing coordination and collaboration across agencies that work on shared common issues.

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Current challenges across Federal Land and Water Management Agencies

Interior has identified many similar challenges occurring across the federal land and water management agencies. A few of the key issues are highlighted as follows, which the Secretary of the Interior seeks to address in his vision for a government-wide reform:

Overlapping Agency Programs and Missions

Within the area of land and water management, there are four federal agencies with complementary missions to Interior: the U.S. Forest Service within the Department of Agriculture, the National Marine Fisheries Service (NMFS) within the Department of Commerce, the U.S. Army Corps of Engineers (USACE), and the Environmental Protection Agency (EPA). Each of these federal agencies operates under individual laws enacted by Congress, which challenges a holistic and unified approach for land and water management. The end result is overlapping programs across Interior and the other federal agencies, which are funded and managed separately from each other.

To identify areas of additional mission intersection or overlap across Interior and the four agencies, Interior developed a list of key functions Interior completes and compared this to the list of functions which USFS, NMFS, EPA and USACE complete. The completed matrix provides a closer view of the cross-intersection at the functional level between Interior and the four other agencies.

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Federal Land and Water Management Agencies' Mission Matrix

	Functions	DOI										Other Federal Agencies			
		BLM	BOEM	BSEE	OSM	NPS	FWS	BOR	USGS	BIA	BIE	USFS	NMFS	USACE	EPA
Mission/Operations	Recreation	X				X	X	X		X		X		X	
	Permitting	X	X	X	X	X	X	X				X	X	X	X
	Law Enforcement	X				X	X	X		X		X	X	X	X
	Fire - Fuels Management	X					X			X		X			
	Fire - Response	X				X	X			X		X			
	Fire - Salvage	X					X			X		X			
	Land Use Planning on federal lands	X	X			X	X			X		X			
	Partnered Resource Management (non-federal lands)	X				X	X	X				X	X		
	NEPA Compliance	X	X			X	X	X				X	X	X	X
	Invasive Species Management	X				X	X	X	X	X		X	X	X	X
	Endangered Species Management	X				X	X	X		X		X	X	X	
	Cultural Resource Management	X				X	X	X		X	X	X		X	
	Renewable Energy Development	X	X					X		X		X		X	
	Non-Renewable Energy Development	X	X							X		X			
Administrative	Facility Management	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Human Resources	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Information Technology	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Acquisition	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Financial Management	X	X	X	X	X	X	X	X	X	X	X	X	X	X
	Grants Management	X			X	X	X	X	X	X	X	X			X

From a mission view, the most evident overlap is between the Department of the Interior and the U.S. Forest Service. The U.S. Army Corps of Engineers, the National Marine Fisheries Service and the Environmental Protection Agency also have clear mission intersection with Interior's bureaus.

History of Federal forest management

Federal forest management dates back to 1876 when Congress created the office of Special Agent in the U.S. Department of Agriculture (USDA) to assess the quality and conditions of forests in the United States. In 1881, USDA expanded the office into the Division of Forestry. A decade later, Congress passed the Forest Reserve Act of 1891, authorizing the President to designate public lands in the West into what were then called "forest reserves." Responsibility for these reserves fell under Interior until 1905 when President Theodore Roosevelt transferred their care to the Department of Agriculture's new U.S. Forest Service.

Interior works closely with the U.S. Forest Service, but a closer alignment in key areas would be beneficial.

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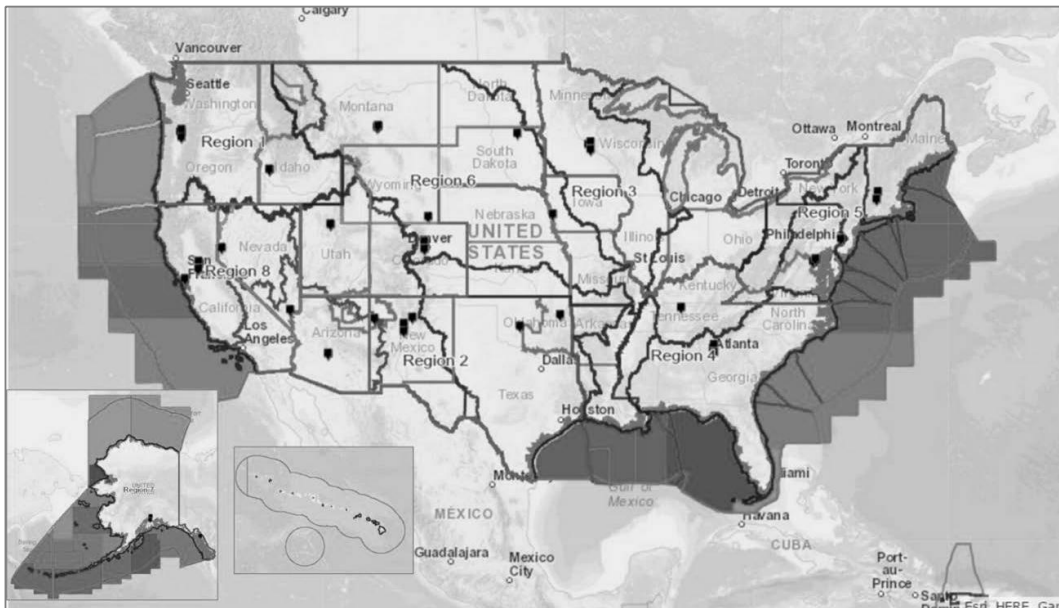
Lack of cohesive cross-agency strategy on common issues

As shown in the Mission Matrix chart, Interior, USFS, NMFS, USACE and EPA have overlapping missions which intersect with one another across multiple functions. Each agency is working on common issues, but only through the narrow lens of their individual missions, and often not towards a common unified goal. This leads to challenges in the areas of National Environmental Policy Act (NEPA) compliance coordination, and permitting processes. Similar to the government-wide challenge, federal land and water management agencies lack a mechanism that directs and ensures the land and water management agencies work together in tandem to achieve the broader vision for their mission areas.

Multiple regional structures

Currently, Interior's bureaus, USFS, NMFS, USACE and EPA each have a separate and distinct regional structure. This slows the coordination efforts on issues across the federal agencies and ultimately impacts the American public, which these agencies serve. A good example of the practical challenges to the existing regional models can be illustrated in the example of a stream. In one stream, there can be a Bureau of Reclamation dam upstream, a downstream Indian reservation, anadromous salmon that are managed by NMFS within the Department of Commerce, and resident fish listed under the Endangered Species Act that are regulated by the Fish and Wildlife Service within Interior, while the Army Corps of Engineers regulates private sector activities in the riparian wetlands. In this case, this one stream can be subject to the jurisdictions of agencies whose regional offices are in five different cities, which may impede efficient citizen service and coordinated agency decisions that best serve the resources.

Cross Agency Regional Structures – Interior, USFS, NMFS, USACE, EPA



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See Appendix F for individual regional maps of the bureaus within Interior and Appendix G for regional maps for USFS, NMFS, USACE and EPA.

Multiple separate offices within the same geographic area

Across its bureaus, Interior currently has over 41 distinct regions, each with their own regional offices, but often in the same general geographic area. This creates an inefficient use of facilities and resources, which are not shared across bureaus, to include back-office functions, such as human resources, information technology and other shared administrative support services.

The physical separation between bureaus further solidifies and perpetuates the silos each bureau operates within. The regional office staffs of the bureaus are not face-to-face with each other in their daily work, and are not challenged to see their specific work through a broader, and more holistic lens, of working on achieving a unified vision and goal. In many cases, this same issue is also occurring in USFS, NMFS, USACE and EPA, which also have multiple regional offices within the same geographic hub, but that are not co-located.

Ineffective communication and problem solving

The lack of co-location across Interior and the other federal agencies prevents Interior and the other agencies from working together more effectively on common issues and pursuing the broader government-wide mission in the areas of federal land and water management. Communication and problem-solving on common issues at the field level is more difficult when there is geographic separation between federal agencies.

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NEPA compliance and permitting for new infrastructure projects

The Keystone Pipeline project (b)(5) (b)(5) The project involves an oil pipeline that extends over 1,600 miles, originating in Canada, and crossing three states to its endpoint in Nebraska, where it links up with an existing pipeline. Environmental reviews beginning in 2008 involved the State Department, Department of Transportation, US Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and the Army Corps of Engineers. Interagency coordination was a challenge. Different agencies weighed in at different times, and the project was not actually approved by the President until 2017. It is still facing court

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challenges. (b)(5)

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Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure

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To

address these challenges, the President issued Executive Order 13807: *Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure*. In this Executive Order, the President directs Interior as follows: “The Department of the Interior shall provide to OMB a strategy and recommendations for a multi-agency reorganization effort that would further the aims of this order.” Based upon Interior’s proposal, OMB is directed to work with Interior and the heads of the impacted agencies to incorporate the strategy into their Agency Reform Plans. In this document, Interior has set forth a bold multi-agency reorganization which seeks to meet the President’s directive as set forth in the Environmental Review and Permitting Process for Infrastructure Executive Order. (b)(5)

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The Secretary's Vision: scope and prioritization

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Interior's Reform Proposal

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Current challenges across Interior

Too few employees on the front line delivering citizen service

For a number of years, Interior's budget has been flat, and the number of employees has stayed level, yet the Department's responsibilities have increased, along with increased demand for service from the public and greater public expectations about what quality of service is acceptable in the 21st Century. Since the vast majority of Interior's service delivery happens at the local level, in the field,

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Communication challenges between regional and field offices

Too many decisions of local significance have historically been elevated to the headquarters offices of Interior's bureaus. This means that officials who are located hundreds or even thousands of miles away from an affected community are making decisions affecting the future of that community, when they lack the appropriate knowledge and contextual understanding to make the best decisions. This also means that our field level employees are often required to implement a decision that they think is flawed and over which they had little influence. One of the reasons for decisions getting "kicked upstairs" is because Interior's bureaus often have competing equities, and the only place that the competing chains of command formally have a mutual superior is in Washington, D.C.

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With authority also must come accountability.

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Workforce concentration in large metropolitan areas like Washington, D.C. and Denver, Colorado

Office space in large cities is more expensive than comparable space in smaller communities, and the socioeconomic environment of large urban areas tends to differ from that of the communities where most of the Department's work is performed and services are delivered. This tendency to locate regional offices in large cities exacerbates budget problems in a period of constrained resources, and isolates regional directors and their staffs from the majority of the people most directly affected by their decisions.

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Based upon research and preliminary discussions with the General Services Administration (GSA), the leasing rates for smaller cities located in the West (such as Carson City, NV, Boulder City, NV and Boise ID) are 15-30% of the cost to lease in the Washington, D.C. area (see *Appendix H*). Although employee relocations to second-tier cities will present a significant investment upfront, Interior anticipates the long-term return on investment will be significant in terms of Interior's budget for the next several decades.

Silos between bureaus

Over the Department's 168 year history, Interior has inherited a very wide variety of responsibilities and directives, many of which have the potential to conflict with one another. Each Interior bureau has its own statutory authorizations, and geographically distinct areas of land management responsibilities. The individual missions and geographic areas has created the environment for bureaucratic silos to evolve that impede horizontal communication across bureaus. This also predisposes bureau leadership to narrow their frame of reference, and to discourage managers from acquiring a breadth of experience that would enable them to make more informed and effective decisions.

Multiple regional structures across Interior's bureaus

Interior has nine bureaus, each with their own unique regional office structure.

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Showing Respect for All of Our Employees, Contractors, and Volunteers

Interior is immersed in sexual harassment and hostile work environment challenges. The Secretary is committed to a zero tolerance policy for sexual harassment and discrimination, and is determined to rectify past problems and create work environments across the Department where employees, contractors, and volunteers are confident that they are respected both personally and professionally. Most importantly, this is the necessary and right thing to do for the employees impacted by sexual harassment and a hostile work environment, as well as to ameliorate the morale and productivity challenges it creates.

Employee morale

Based on the 2016 Federal Employee Viewpoint Survey, there are four areas where the work life experience of Interior employees differs significantly from that of other federal employees:

- Only 48% of Interior employees believe their workload is reasonable, compared to 57% of all federal employees, with National Park Service employees feeling most overwhelmed, at 36%.
- Only 68% of DOI employees feel prepared for potential security threats, compared to 77% of all federal employees, with National Park Service employees feeling least secure, at 57%.
- Only 53% of Interior employees feel managers communicate the goals and priorities of the organization, compared to 60% of all federal employees. The Office of the Solicitor had the lowest Interior score, at 30%.
- Only 52% of Interior employees agree that managers review and evaluate the organization's progress toward meeting its goals and objectives, compared to 60% of all federal employees. The Office of the Solicitor again trails the department, with 35% answering affirmatively.

Interior has particular strengths and opportunities for improvement. The following tables depict the questions from the 2016 Federal Employee Viewpoint Survey to which Interior employees responded most positively, and least positively.

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Top 10 FEVS Questions (FY 2016) - Most Positive Responses by Percentage

Question	Percent positive
When needed I am willing to put in the extra effort to get a job done.	96.06%
I am constantly looking for ways to do my job better.	91.10%
How satisfied are you with the following Work/Life programs in your agency? Alternative Work Schedules (AWS)	90.80%
The work I do is important,	90.00%
I like the kind of work I do.	86.10%
How would you rate the overall quality of work done by your work units?	82.50%
I know how my work relates to the agency's goals and priorities.	81.60%
My supervisor supports my need to balance work and other life issues.	81.60%
I am held accountable for achieving results.	80.90%
My supervisor treats me with respect.	80.30%

These survey question results demonstrate what Interior already knows--that Interior is the government agency where employees are passionate about their work and the mission of Interior. Interior's employees are willing to go the extra mile, value their work, want to do their jobs better, and enjoy what they are doing. These are strengths motivating high performance for the American people, which Interior will continue to cultivate and reinforce.

Top 10 FEVS Questions (FY 2016) - Least Positive Responses by Percentage

Question	Percent positive
Pay raises depend on how well employees perform their jobs.	50.800%
I have sufficient resources (for example, people, materials, budget) to get my job done.	57.200%
In my work unit, steps are taken to deal with a poor performer who cannot or will not improve.	58.000%
In my organization, senior leaders generate high levels of motivation and commitment in the workforce.	61.500%
In my work unit, differences in performance are recognized in a meaningful way.	63.000%
I believe the results of this survey will be used to make my agency a better place to work.	64.500%

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Promotions in my work unit are based on merit.	65.100%
How satisfied are you with your opportunity to get a better job in your organization?	65.300%
My work unit is able to recruit people with the right skills.	65.700%
My workload is reasonable.	65.900%

Based on these results, performance management, supervisory quality, and talent development are areas Interior has identified for improvement.

Employee Engagement

Interior ranks 33 out of 37 federal agencies in employee engagement, based on OPM 2016 data. Interior is also currently ranked in 11th place out of 18 large federal agencies in the annual Best Places to Work in the Federal Government report by the Partnership for Public Service and has stalled in this ranking for a number of years. (b)(5)

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Interior's Internal Reform Proposal

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Leadership development & career path planning

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In the wake of the *Deepwater Horizon* explosion and oil spill in April 2010, then-Secretary of the Interior Salazar ordered the reorganization of the Minerals Management Service to address “real and perceived conflicts between the resource management, safety and environmental oversight and enforcement, and revenue collection responsibilities” (Secretary’s Order 3299, May 19, 2010). On October 1, 2011, the two new bureaus for managing offshore activities were created:

- Bureau of Ocean Energy Management (BOEM), responsible for the sustainable development of OCS conventional and renewable energy and mineral resources, including resource evaluation, planning, and other activities related to leasing and resource management.
- Bureau of Safety and Environmental Enforcement (BSEE), responsible for ensuring comprehensive oversight, safety, and environmental protection in all offshore energy and mineral activities.

The two Bureaus are co-located in Washington D.C., Sterling, VA, Jefferson, LA, Anchorage, AK, and Camarillo, CA. BSEE also has an office in Houston and five district offices in Louisiana and Texas. According to their respective FY 2018 budget justifications, BSEE has 881 FTEs in FY 2017, and BOEM has 570.

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The President's Budget for FY 2018 proposes to eliminate funding for the following major program areas, resulting in a cost savings of at least \$132 Million. (b)(5)

(b)(5) (see *Appendix I*).

Grants to Appalachian States for economic development projects in conjunction with coal Abandoned Mine Land (AML) Reclamation

The Budget proposes to eliminate funding introduced in 2016 for Grants to Appalachian States for economic development projects in conjunction with coal Abandoned Mine Land (AML) Reclamation. The AML grant pilot program was developed by Congress in response to the 2016 budget mandatory proposal to convert \$1 billion from the unappropriated balance of the AML Fund to funding for states to expedite the cleanup and redevelopment of eligible lands and waters affected by historic coal mining practices and thus promote economic development. Congress appropriated \$90 million in 2016 discretionary funding for these activities in three Appalachian states (KY, WV, and PA). In 2017, Congress added an additional \$15 million to provide a total of \$105 million for Kentucky, West Virginia, Pennsylvania and three additional states. These grants are not central to the Office of Surface Mining Reclamation and Enforcement's (OSMRE) mission and overlap with existing funds to reclaim abandoned coal mines. In addition, OSMRE would have to build capacity and leverage expertise from other agencies to implement this approach.

Grant funding for the Heritage Partnership Program

The Budget also proposes to eliminate grant funding for the Heritage Partnership Program, a \$19 million reduction. This program provides financial and technical assistance to congressionally

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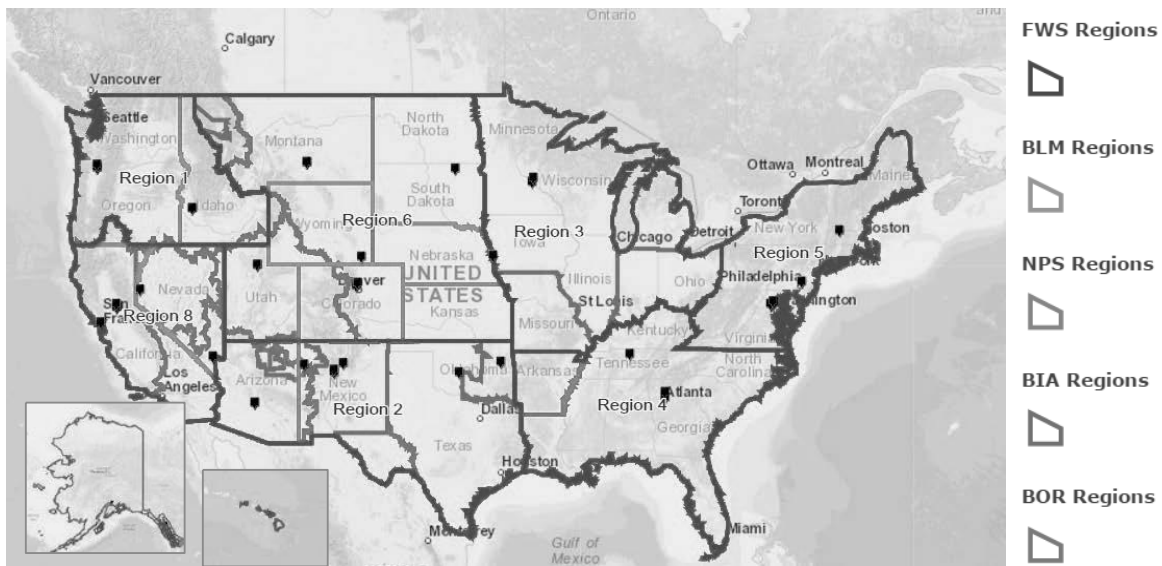
designated National Heritage Areas, which are managed by non-Federal organizations to promote the conservation of natural, historic, scenic, and cultural resources. This program is secondary to the primary mission of the National Park Service and would be better sustained by partners. As noted in a Government Accountability Office report, there is no systematic process for designating Heritage Partnership Areas or determining their effectiveness. A Heritage Foundation report raised concerns that these grants are diverting resources from core National Park Service responsibilities, such as protecting resources and providing services in national parks. These grants to state and local entities are not clearly a Federal responsibility; instead, National Heritage Area managers should use the national designation to open doors to more sustainable funding opportunities from local and private beneficiaries.

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Regions of Interior's Bureaus: FWS, BLM, NPS, BIA and BOR



Interior has over 40 distinct regions across Interior's bureaus.

Currently, each Interior bureau has a regional structure that follows unique geographical boundaries with regional offices in different cities.

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Future Targets

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The Department initiated an agency-wide restructuring action through the use of Voluntary Early Retirement Authority and Voluntary Separation Incentive Pay (VERA/VSIP). As a result, the Department has submitted to the U.S. Office of Personnel Management and the Office of Management and Budget 11 VERA requests and 28 VSIP requests covering a total of 7,698 positions at a total cost of \$57 million dollars.

As workforce reshaping planning continues, a more detailed budget estimate of potential up-front investment costs and long-term budget needs will be available in the future.

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Information Management and Technology provides modern and secure technology solutions to advance the Interior's ability to deliver programs and services to the public and our customers. Interior has adopted the National Institute of Standards and Technology (NIST) Cybersecurity Framework and will work towards implementing and maturing the set of activities known to be effective in managing cybersecurity risks and that are necessary to achieve key cybersecurity outcomes that support the following functions: Identify, Protect, Detect, Respond and Recover. Interior is working collaboratively with our user community to better understand what their needs are in the field. (b)(5)

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Interior will continue to emphasize shared administrative support services through the utilization of the Interior Business Center (IBC) and the Department's consolidated Financial and Business Management System (FBMS). (b)(5)

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Appendix A: Interior's Agency Reform Plan Elements & Approach

Analytical Framework

As instructed by OMB in Memorandum M-17-22, Interior's reform proposals are developed based upon management analysis, to include in-depth reviews and discussions, with the overarching focus on scoping Interior's programs and operations to ensure alignment with Interior's mission. Through observations of existing structures and processes, and supported by public comments, Interior leadership identified areas that could be streamlined through realignment and/or consolidation, or elimination of unnecessary programs. This analytical approach ensures Interior continues to focus on the areas that are most closely tied to Interior's mission, and eliminates and/or realigns programs to ensure Interior continues to leverage its resources effectively and efficiently for the American public.

Agency Reform: Public Input

Interior received over 6,755 separate comments from the public on reform recommendations. All of the comments were reviewed and sorted into one of the three following categories: 1) General comments, not directly or specifically relevant to DOI – 5,986 comments (89% of total); 2) Generally relevant to DOI – 533 comments (8% of total); 3) Specifically relevant to DOI and potentially applicable – 236 comments (3% of total). Interior's reform proposal incorporates and addresses recommendations from the public, with a focus on enhancing the customer service experience the American public receives from Interior's offices and bureaus.

For additional information on specific public input Interior received, see *Appendix B: Public Input*.

Performance Goals and Indicators

Interior has included performance goals and milestones in our draft Government Performance and Results Act Strategic Plan, to track and report progress on our reform proposal.

For the specific list of goals and indicators, see Interior's draft Strategic Plan.

Costs, Budget Impacts and Timeline

Due to the magnitude, and complexity of Interior's reform proposal, the overall budget implications and net budgetary impact are not yet fully identified. The phasing of each proposal component is estimated based upon the information gathered to date, but may change as Interior advances the planning process.

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Space reduction in Washington, D.C. and Denver, CO

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FY 2019 Budget Request

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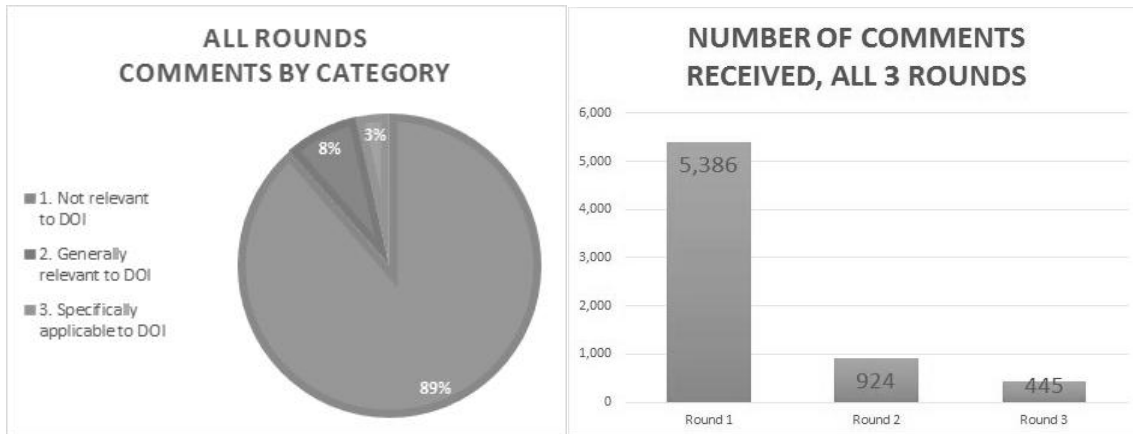
Implementation timeline

As Interior continues to build out the implementation plans for the agency reform initiatives, a clearer picture will emerge of the detailed timeline, to include investment costs and potential long-term savings and citizen service improvements.

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Appendix B: Public Input



Figures 1 (left) and 2 (right). Breakdown of all comments by category, and total number of comments for each round.

In FY 2017, OMB solicited input from the public on recommendations for federal agency reforms. OMB collected the comments from the public via a form on the White House website from April through June 2017, and provided the comments in three rounds to Interior. Interior received the most comments from the public in the first round.

Comments specifically relevant to DOI and potentially applicable

About 3% of comments were categorized as specific to DOI and potentially applicable to agency management responsibilities. These comments directly mentioned a DOI bureau, program, policy or management activity and made recommendations that were potentially applicable for leadership consideration.

Major themes were:

- **Transferring public land to states and local governments.** Some of these comments suggested that the federal government owns too much land in the West or in general.
- **Consolidating, merging or reorganizing federal land agencies and natural resource agencies.** Some comments suggested this would reduce redundancy. The Bureau of Land Management and US Forest Service were frequently suggested for consolidation.
- **Privatizing elements of DOI agencies.** Some comments favored privatization of federal programs or resources, including elements of the National Park Service.
- **Targeted funding increases or decreases.** Many comments identified specific DOI programs and activities for funding increases or cuts. Requests to increase or maintain funding for the National Park Service was especially common.
- **Indian Affairs management issues.** Recommendations were made to give all Indian Affairs program funding directly to Tribes or serve Indians through other programs.

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- **DOI law enforcement management activities.** Several comments called for disarming DOI law enforcement.
- **Partnerships.** Some comments encouraged the use of partnerships between the federal government/DOI and non-federal partners.
- **Management of BLM's Wild Horse and Burro program.** Many comments called for the protection of wild horses and burros and called for changes to the existing Wild Horse and Burro program. Suggested changes included ending roundups, eliminating funding, managing animals on-range and maintaining limits on sales.

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Appendix C: Stakeholder Impact Matrix

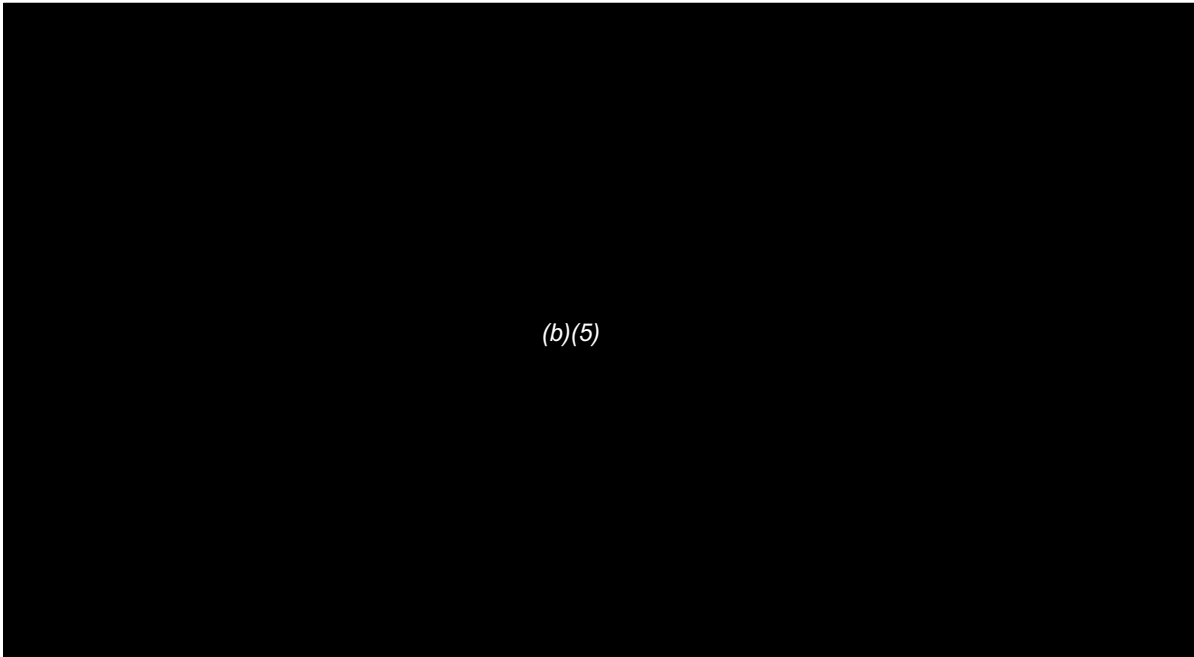
Stakeholder impact analysis

Interior analyzed the level of impact many of Interior's reform initiatives will have on Interior's stakeholders. This list of reform initiatives is not exhaustive, but highlights many of the key proposals.

Key findings

Based on the analysis, Interior anticipates the most impacts of Interior's reform will be on DOI employees and customers, with some impacts on the states, industry, Congress, the public and OMB.

Stakeholder Impact Matrix



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Appendix E: Long-Term Workforce Plan

Background

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Future Workforce Vision

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Workforce Strategies

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Hiring Controls

On April 14, 2017, the Department established hiring controls and procedures to enable limited hiring, prioritizing filling field positions, and limiting hires in the Washington, DC and Denver, CO areas. As of September 1, 2017 the Department has reviewed over 1,900 hiring waiver requests submitted by the bureaus and offices. Approximately 60% of the requests have been approved. The requests that have not been approved are being discussed to determine if the positions are essential to Interior's Mission and priorities, and whether existing personnel can be utilized.

Voluntary Early Retirement Authority (VERA) / Voluntary Separation Incentive Payments (VSIP)

The Department initiated an agency-wide restructuring action through the use of Voluntary Early Retirement Authority and Voluntary Separation Incentive Pay (VERA/VSIP). As a result, the Department has submitted to the U.S. Office of Personnel Management and the Office of

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Management and Budget 11 VERA requests and 28 VSIP requests covering a total of 7,698 positions at a total cost of \$57 million dollars.

Other Options

- Attrition
- Reassignments
- Performance Management including automation of performance assessments
- Performance-Based Actions
- Adverse Actions
- Telework Agreements
- Recruitment, Relocation, and Retention Incentives
- Phased Retirement
- Administrative Furlough
- Reduction in Force (RIF)

Major Workforce Actions

The Agency Reform Plan includes 14 internal reform proposals. The estimated impact to the Interior workforce for each proposal is still being determined. It is possible that not all of these reform proposals will have an impact on the workforce. However all 14 proposed actions are included in the table below.

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VERA/VSIP Authority

The Department seeks VSIP/VERA approval authority so that it can enhance efficiencies and effectiveness on an agency-wide scale. In order to provide maximum flexibility to our bureaus and Departmental offices, VSIP/VERA is one of the best management tools to cost-efficiently achieve organizational restructuring and reshaping while minimizing unnecessary disruptions in

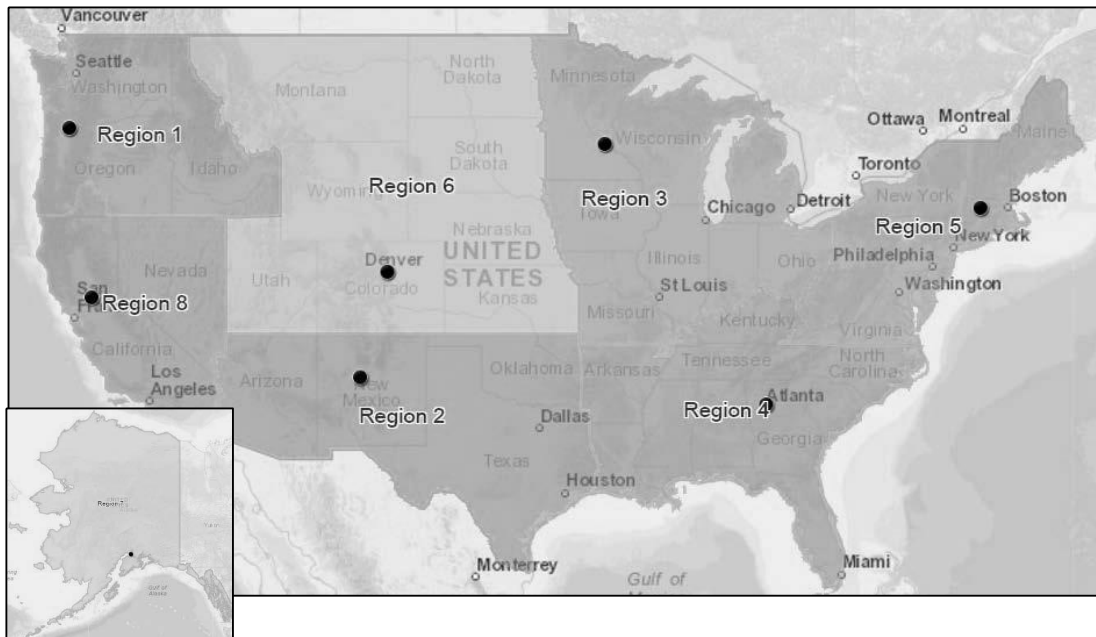
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the workforce. Interior would prefer to have VSIP authority delegated to it by the Office of Personnel Management (OPM), rather than having to seek OPM approval for each VSIP offered.

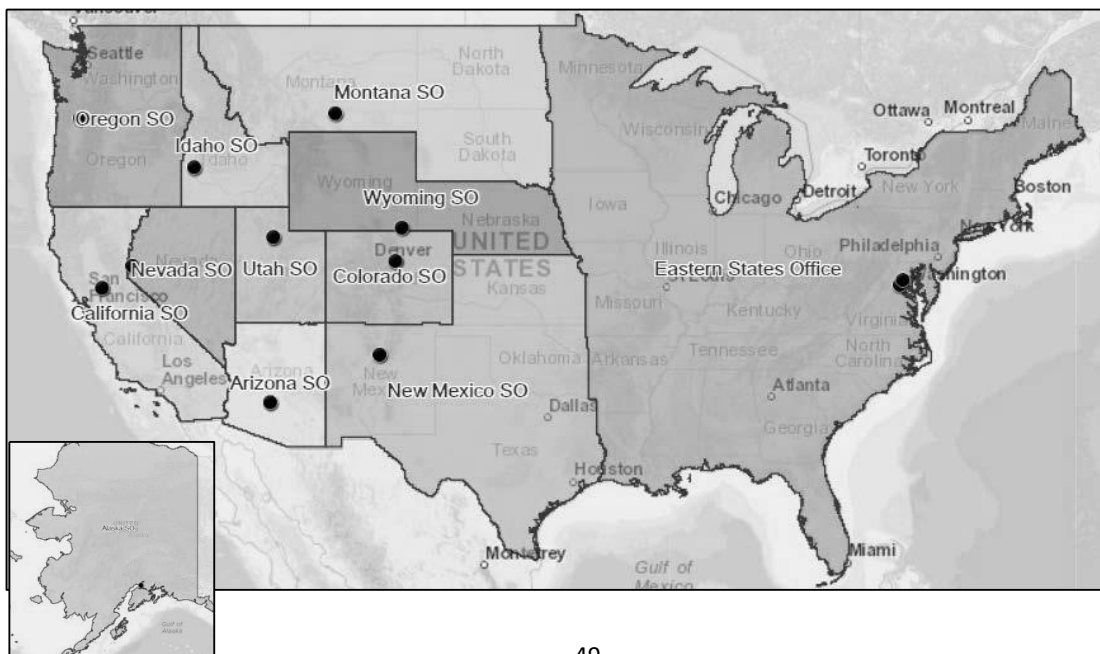
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Appendix F: Current Interior Regional Boundaries

U.S. Fish and Wildlife Service (FWS)

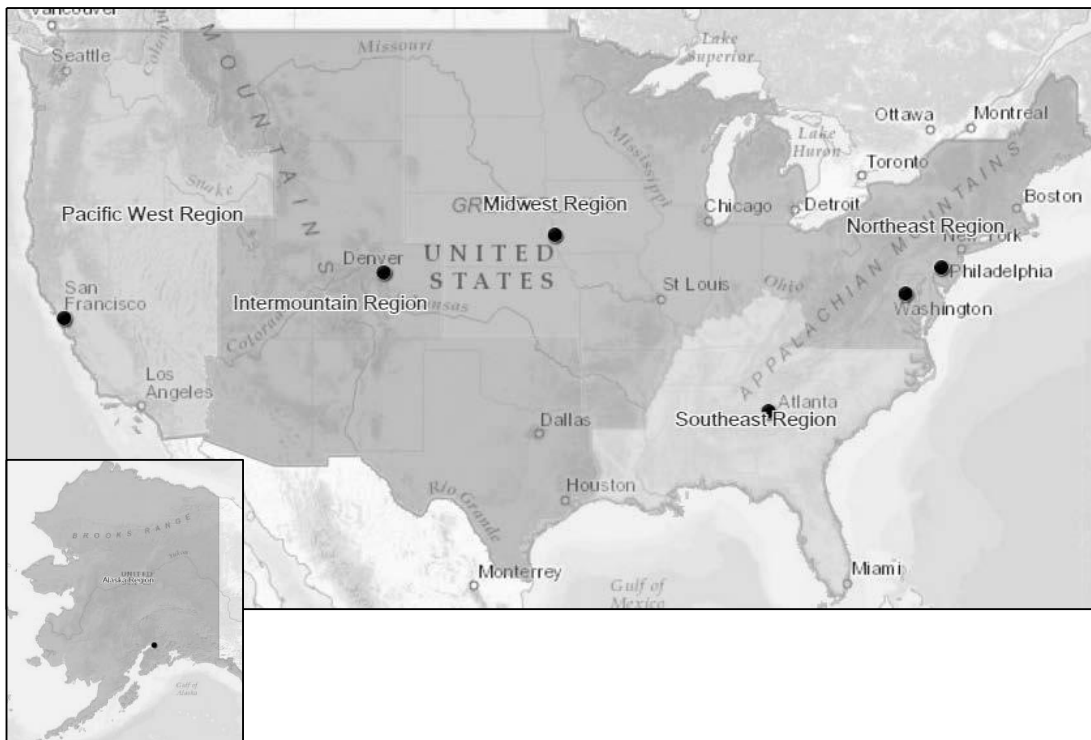


Bureau of Land Management (BLM)

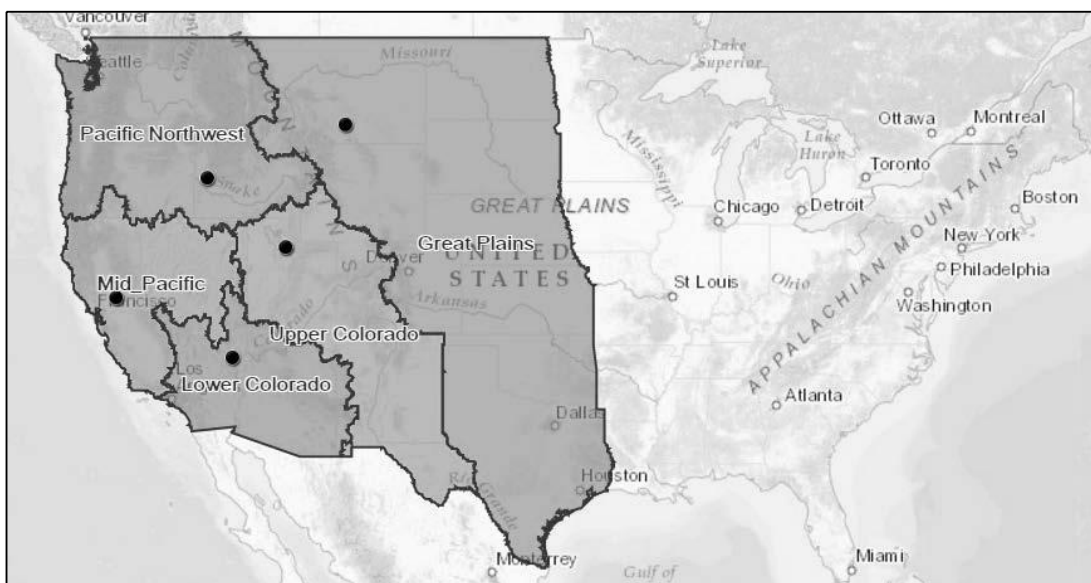


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National Park Service (NPS)

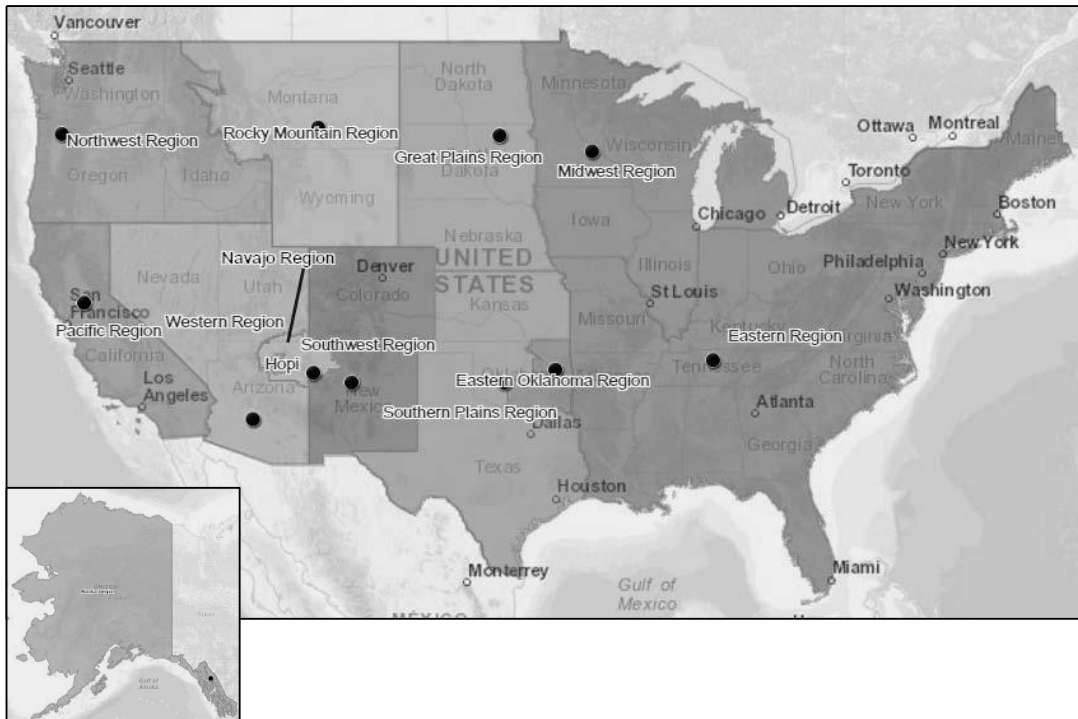


Bureau of Reclamation (BOR)



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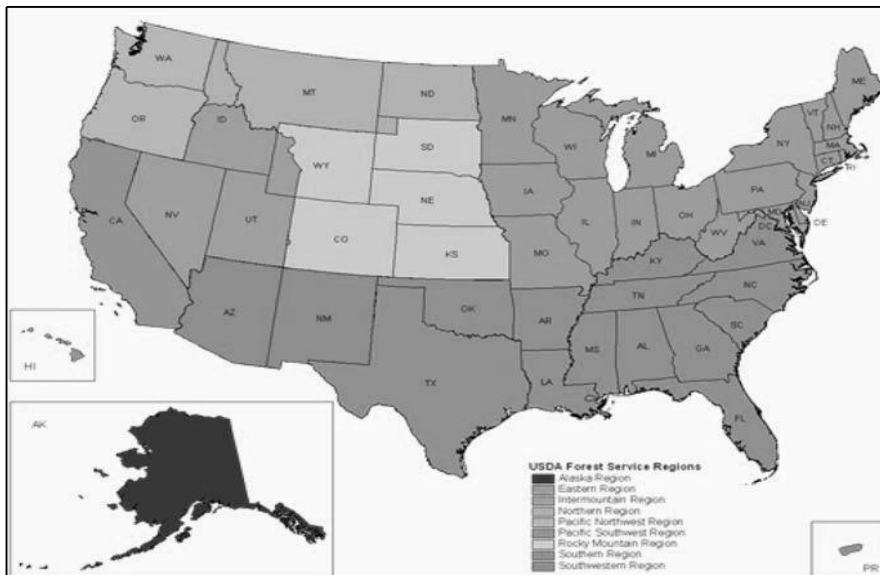
Bureau of Indian Affairs (BIA)



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Appendix G: USFS, NMFS, USACE, EPA Regional Boundaries

U.S. Department of Agriculture Forest Service (USDA/FS)

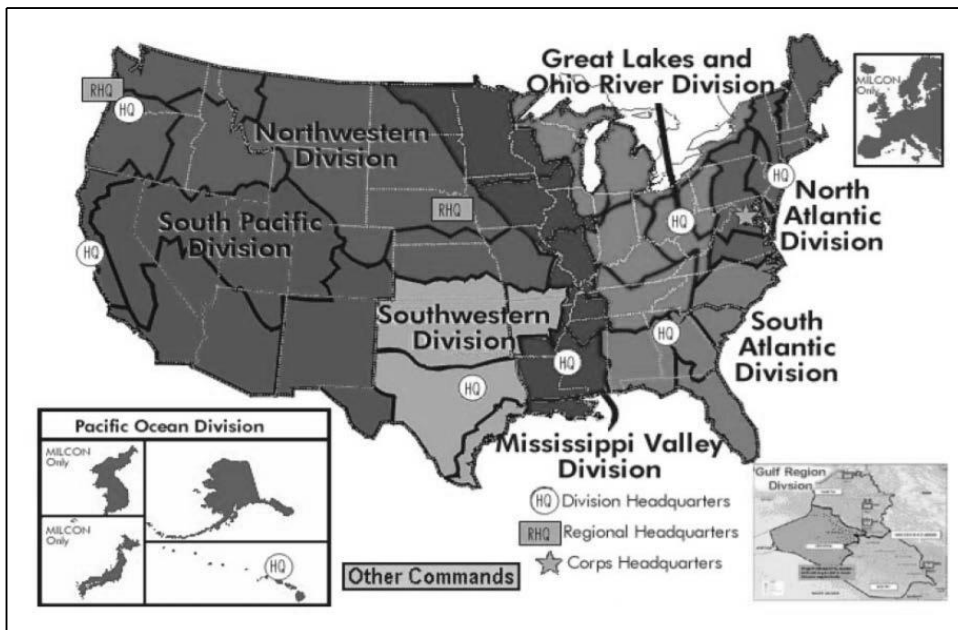


National Marine Fisheries Service (NMFS)

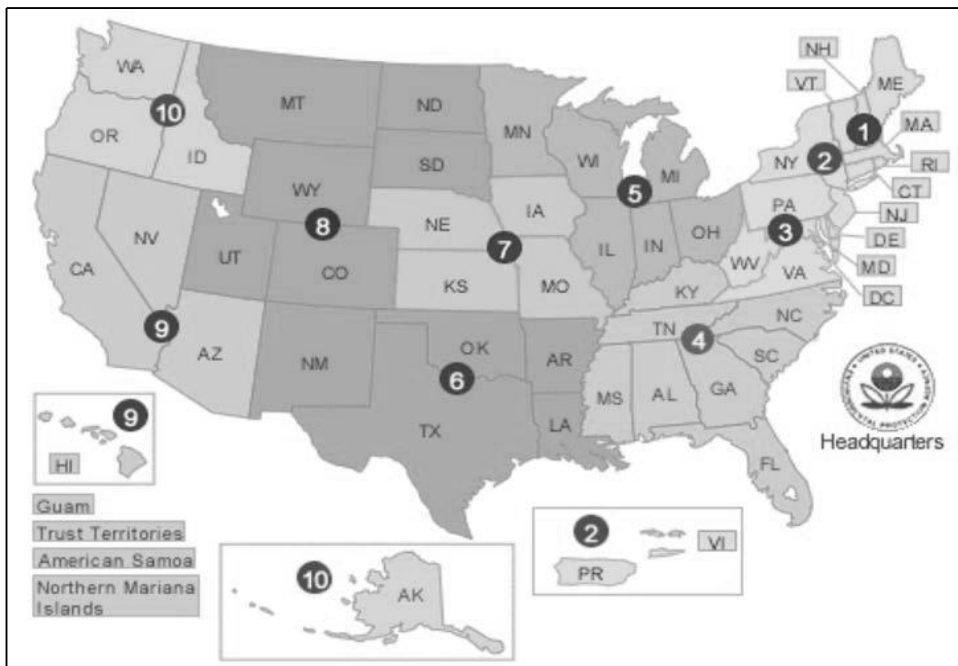


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U.S. Army Corps of Engineers (USACE)



Environmental Protection Agency (EPA)



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Appendix H: Leasing Rates Table

Initial Research of Leasing Rates

Interior has coordinated with GSA in completing initial research and analysis of leasing rates in existing and potential city locations. For this particular study, Interior gathered data for the metro DC area, Denver area, Carson City, NV, Boulder City, NV and Boise, ID. (b)(5)

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Leasing Rates - Current			
Washington, D.C., Denver, Carson City, Boulder City & Boise			
Potential data for initial budgeting projections			
Area	Location	Price per Sq. Ft.	Notes
Metro DC	Main Interior Building	\$56/sf	Based on 1,000,000 sqf/historic
	Within ½ mile of MIB	\$50-60/sf	
	Arlington	\$40-\$50/sf	Based on buildings along Metro line
	Herndon/Reston	\$25-\$35/sf	
Denver Area	Denver Federal Center	\$22-\$24/sf	Space less than 10,000 sqf
	Lakewood	\$19-\$27/sf	Space between 10,000-15,000 sqf
	Denver Central Business District	\$20-\$30/sf	Courthouses; space up to 90,000 sqf
	Denver Tech Center	\$20-\$27/sf	In Englewood - 20 mi from downtown; space up to 55,000 sqf.
Carson City, NV	705 N. Plaza Federal Building (0 sqf vacant)	\$10-\$15/sf	GSA only found two other properties with 25,000 sf + vacant (nothing larger than 36,000 sf), a retail center and old church, which are not viable options to accommodate the size.
Boulder City, NV		\$10-\$17/sf	GSA does not have any property in their inventory and found no buildings with more than 10,000 sf vacant. Only two with any vacant space under 10k, both retail/office (not even options).
Boise, ID	James A McClure Federal Building and Courthouse - 5,796 sf vacant (GSA inventory)	\$20-\$25/sf	There are four properties that have vacancy that could meet 60k to 72k sf (400 ppl x 150sf/180sf).

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Appendix I: Additional programs recommended for elimination of funding

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**STATEMENT OF RYAN ZINKE, SECRETARY OF THE INTERIOR
BEFORE THE
SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
ON THE
2018 PRESIDENT'S BUDGET REQUEST
June 20, 2017**

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AND RELATED AGENCIES

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Chairman Murkowski, Ranking Member Cantwell, and Members of the Committee, I am pleased to appear before you today to discuss the 2018 President's Budget for the Department of the Interior, which provides \$11.7 billion for Interior's programs, with an additional \$123.9 million of discretionary Department of Defense appropriations requested to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

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Because of the timing between enactment of the FY 2017 Omnibus Appropriations Act and submission of the FY 2018 President's Budget, my statement compares requested funding to the FY 2017 Annualized Continuing Resolution unless otherwise noted.

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2018 Budget Priorities

The 2018 budget for the Department of the Interior features targeted investments to further the Administration's America First national energy goals. At the same time, this budget reflects the President's commitment to fiscal responsibility – proposing sensible and rational reductions and making hard choices to reach a balanced budget by 2027.

Across Interior's diverse mission, this budget emphasizes the Department's crucial role in promoting economic growth. America's lands hold tremendous job-creating assets. Visitors to our parks spend more than \$18.4 billion in local gateway communities, supporting approximately 318,000 jobs and contributing \$34.9 billion into the national economy according to the 2016 *National Park Service Visitor Spending Effects Report*.

In 2016, the Department's energy, mineral, grazing, and forestry activities resulted in \$8.8 billion in revenue to the American people, including direct revenue payments to states, tribes, and local communities. These same activities supported \$136 billion in economic output. (b)(5)

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(b)(5) in addition, direct grants and payments to states, tribes, and local communities provided an estimated \$10 billion in economic output.

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The Department's 2018 budget reflects the Administration's commitment to strengthen America's economic and energy security, focus on the Nation's infrastructure, be responsible stewards of magnificent lands, encourage public access for outdoor recreation, and strengthen tribal sovereignty and support self-determination.

America's Energy

The Department is the steward and manager of America's natural resources, including oil, gas, coal, hydropower, minerals, and renewable energy sources. The Department has a critical role to play in the future energy security of our Nation as well as our overall economic well-being. American energy resources create jobs and generate significant revenue both to the U.S. Treasury and states. This budget proposes \$791.2 million in current and permanent funding for energy related programs across the Department, an increase of \$16.3 million from 2017. The 2018 budget supports an "all-of-the-above" energy development strategy, increasing funding for onshore and offshore oil and gas, strengthening coal management activities, and sustaining the current pace of renewable energy development.

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The budget reflects the importance of offshore energy production to America's economic and energy security. The 2018 budget shores up offshore oil and gas programs with appropriated funding to continue a strong offshore program. The request for the Bureau of Ocean Energy Management features a \$10.2 million increase to update the Five-Year Outer Continental Shelf Oil and Gas Leasing Program, consistent with the President's Executive Order *Implementing an America-First Offshore Energy Strategy* to expand offshore oil and gas exploration and production. The 2018 budget for the Bureau of Safety and Environmental Enforcement includes a \$1.2 million increase to focus on workforce training, permitting, and information technologies to better permit exploration, development, and production operations.

Onshore, the budget requests a \$16.0 million increase for the Bureau of Land Management's oil and gas management program, providing a total of \$75.9 million in appropriated funds focused on improving oil and gas permit application processing, streamlining leasing, and modernizing practices. The budget also includes \$19.0 million for the BLM coal management program, an \$8.0 million increase to reduce administrative processing times, simplify the lease application process, and improve the timeliness to complete lease sale fair market value determinations.

The 2018 budget includes \$78.1 million for Renewable Energy programs both on and offshore. Although a reduction from prior years, this funding level will sustain the current pace of development at a level consistent with anticipated project interest.

To ensure the public continues to receive the full value of natural resources production on Federal lands, in April, I signed a charter establishing a Royalty Policy Committee of 28 local, tribal, state, and other stakeholders to advise me on the fair market value of and revenue collection from Federal and Indian mineral and energy leases, including renewable energy sources.

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The Nation's Infrastructure

Interior plays an important role in maintaining and improving the Nation's infrastructure. Interior's national role includes managing significant real property assets as well as conducting reviews and processing permits to support national infrastructure development as part of a balanced multiple land use strategy.

Interior's 2018 budget maintains the 2017 level of \$98.8 million for Fish and Wildlife Service planning and consultation activities. This level maintains the FWS capability to meet its legal consultation requirements and avoid logjams that could delay infrastructure projects and

associated economic benefits. The BLM budget also directs base funding to address siting for energy transmission projects, and proposes an increase in the oil and gas management program to facilitate rights-of-way associated with energy development projects.

Interior manages an infrastructure asset portfolio with a replacement value exceeding \$300 billion, ranging from elementary and secondary schools serving Indian children, to highways and bridges serving the daily commuting needs of the Washington, D.C., metropolitan area. Interior owns approximately 43,000 buildings, 100,000 miles of road, and 80,000 structures – including iconic landmarks, as well as dams, bridges, laboratories, employee housing, and irrigation and power infrastructure. Taking care of this significant asset portfolio is a persistent challenge. Interior’s deferred maintenance backlog has grown to over \$15 billion in 2016. Construction and maintenance funding across the Department totals \$1.4 billion in 2018, not including the Bureau of Reclamation.

From my first day on the job, one of my top priorities has been to prioritize efforts to address the National Park Service maintenance backlog. Our National Parks have 73 percent of Interior’s deferred maintenance backlog while hosting 324 million visitors last year. The 2018 budget for NPS includes \$236.3 million for construction and deferred maintenance projects, an increase of \$21.0 million from 2017. Total estimated funding for NPS maintenance and construction needs including estimated recreation fee revenue is \$765.7 million, an increase of \$34.7 million from FY 2017. This increase will support targeted and measurable upgrades to a number of the NPS’ highest priority assets, including the first phase of repairs to the Arlington Memorial Bridge project.

America’s Lands

In my first days in office, I issued two Secretarial Orders to expand access to public lands and increase hunting, fishing, and recreation opportunities nationwide. The 2018 budget includes \$4.4 billion for the Department’s land management operations in the NPS, FWS, and the BLM. While a reduction of \$354.3 million from 2017, this figure includes funding for operational programs as well as management and maintenance of the national parks, national wildlife refuges, and BLM’s network of national conservation lands. Within land management operations, the budget prioritizes funding to protect and conserve America’s public lands and natural resources, provide access to public lands for the next generation of outdoor enthusiasts, and ensure visitor safety.

To support land management priorities, funding for lower priority activities, such as Federal land acquisition projects, is reduced. The 2018 budget emphasizes taking care of our current assets, rather than adding more by purchasing new land. Accordingly, the budget for land acquisition programs is \$54.0 million, \$129.1 million below 2017. A small amount of funding is maintained in each bureau for emergencies or acquisition of inholdings needed to improve management of established areas or to increase public access.

To better manage and balance these responsibilities, the Department relies on its front-line land managers, field scientists, and partners to monitor, assess, and collect information about the status of resource conditions. Interior’s U.S. Geological Survey is the Nation’s leading source of

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expertise in earth and natural sciences and works closely with other Departmental bureaus and state, local, tribal and other Federal partners to help resource managers adapt to changing conditions on the ground. The 2018 budget includes \$922.2 million for USGS programs, to focus on core science activities including land and water resources, energy and minerals, mapping, ecosystems, invasive species, natural hazards, and environmental health.

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The 2018 request budgets responsibly for the Payments in Lieu of Taxes program. The budget includes \$397 million for these payments as part of the discretionary request, to ensure continued support to the communities neighboring the Department's and other Federal lands without assuming enactment of separate legislation. The 2018 level for PILT is reduced 12 percent below the 2017 CR level, consistent with the total reduction in the Interior budget.

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A key component of the Department's land stewardship is management of wildland fire. The 2018 budget provides \$389.4 million for wildfire suppression – the full 10-year average of suppression expenditures. This level of funding is projected to be sufficient to meet fire suppression needs in an average fire season without the risk of needing emergency transfers from other departmental accounts.

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America's Waters

The 2018 budget also continues efforts to address the challenges of water availability and drought conditions.

The Department, primarily through the Bureau of Reclamation, works with States, tribes, local governments, and non-governmental organizations to pursue a sustainable water supply for the West by providing federal leadership and assistance on the efficient use of water. The 2018 budget continues these efforts to address the challenges of water availability.

Interior's \$1.1 billion budget request for Reclamation invests in our water and power infrastructure, facilitating the delivery of water to 31 million people across the West.

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It is the nation's largest renewable energy resource, and the Bureau of Reclamation plays an important role as the second largest producer of reliable hydropower in the United States.

This budget also continues to strengthen our Tribal Nations by implementing Indian water rights settlements, and focuses on the protection and restoration of aquatic and riparian environments, to ensure we can continue to provide reliable water supply and power to the West.

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America's Trust Responsibilities

Interior maintains strong and important relationships with Native and insular communities, helping to promote efficient and effective governance and to support nation-building and self-determination. The Department provides services directly, or through contracts, grants or compacts, to 567 federally recognized tribes with a service population of nearly two million American Indians and Alaska Natives. The budget prioritizes support for programs serving the broadest service population and proposes reductions in initiatives that are more narrowly focused. The President's budget maintains the Administration's strong support for the principle

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of tribal self-determination, and efforts to strengthen tribal communities across Indian Country. The budget includes full funding for Contract Support Costs and Tribal Grant Support Costs that tribes incur from managing Federal Indian programs.

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The 2018 budget request includes \$786.4 million to continue support for core Indian education programs, including formula funding and operation and maintenance funding for elementary and secondary schools, and support for post-secondary programs. The 2018 budget continues to meet Federal responsibilities outlined in enacted land and water rights claim settlements with Indian tribes, and includes \$160.8 million for authorized settlements and technical and legal support involving tribal water rights, to maintain the Department's ability to complete these settlement requirements within the statutory timeframes.

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In recognition of the importance of the Nation's relationship with Palau and the Pacific national security strategy, the budget requests \$123.9 million of discretionary Department of Defense appropriations to be transferred to the Department of the Interior to support enactment of the 2010 Compact Review Agreement with Palau.

Management and Reform

As part of the President's March 2017, Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch, the Administration launched a government-wide effort to create a leaner, more efficient, and more responsive government. The Order directs agencies to begin planning to operate at the funding levels in the 2018 budget and develop a broader Agency Reform Plan to address long-term workforce reductions. Interior is moving prudently with implementation and has put in place hiring controls to enable limited hiring, prioritizing filling field positions rather than office positions, and limiting hires in the Washington, D.C., and Denver, Colorado, areas. This process enables the Department to continue to fill important positions as work is underway to develop a comprehensive and thoughtful agency plan.

The 2018 budget reduces lower priority programs \$1.6 billion below 2017 and supports 59,968 full time equivalents. This represents an estimated reduction of roughly 4,000 full time equivalent staff from 2017. To accomplish this, the Department will rely on a combination of attrition, reassignments, and separation incentives. Actual attrition rates and acceptance of separation incentives will determine the need for further action to reduce staffing.

Reducing the Department's physical footprint and seeking ways to consolidate space and resources will continue to be management objectives going forward. Efforts will build on several multi-year actions to reduce Interior's nationwide facilities footprint and improve the efficiency and effectiveness of its information technology infrastructure and financial reporting capabilities. Ensuring the Department's cybersecurity strength continues to be a priority. The 2018 budget maintains \$10.0 million in the appropriated working capital fund to continue the Department's remediation of its cybersecurity systems and processes.

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Bureau Highlights

Bureau of Land Management – The 2018 request for the BLM is \$1.1 billion, a decrease of \$162.7 million below the 2017 CR level and \$180.5 million below the 2017 enacted level. The budget proposes \$963.2 million for Management of Lands and Resources and \$89.8 million for Oregon and California Grant Lands, BLM's two primary operational appropriation accounts.

The BLM request features increases in oil, gas and coal management programs reflecting national energy security priorities. The budget proposes \$75.9 million for Oil and Gas Management to support permitting and rights-of-way processing, streamline leasing, and modernize practices. The budget also includes \$19.0 million to strengthen BLM's Coal Management program, an increase of \$8.0 million from 2017.

To maintain the BLM's land stewardship responsibilities, the budget includes \$67.8 million for Rangeland Management and \$70.7 million for the Wild Horse and Burro Management program. As part of a broader effort to consider all necessary options to manage the unsustainable growth of this program, the budget proposes to eliminate current appropriations language restricting the BLM's ability to use the tools provided in the Wild and Free-Roaming Horse and Burro Act and enable BLM to manage on-range herds more effectively and humanely. The budget also proposes \$47.2 million for Recreation Resources Management and \$27.7 million to continue support for the National Conservation Land areas.

The budget includes \$89.8 million for the Oregon and California Grant Lands programs. At this level, the budget prioritizes offering the allowable sale quantity in new resource management plans.

Mineral development on Federal lands is important to the national economy. However, a long-standing challenge is to provide a fair return to taxpayers for the use of these natural resources without discouraging development. To meet this challenge, the Department will conduct a study starting in 2017 to evaluate the production and development of hardrock minerals from Federal lands. The review will include an analysis of revenue recovered by other entities, including other countries, which permit mining on their land. The Department will also consult with other appropriate agencies, such as the Department of Agriculture. The findings will be considered as part of ongoing efforts to improve agency management and streamline permitting related to natural resources produced from Federal lands.

Bureau of Ocean Energy Management – The 2018 President's budget for BOEM is \$171.0 million, slightly above the 2017 CR level, including \$114.2 million in current appropriations and \$56.8 million in offsetting collections from rental receipts and cost recoveries. The budget maintains a level program by increasing appropriated funding by \$35.5 million to address a commensurate shortfall in estimated offsetting rental receipts and cost recoveries. The 2018 budget features a \$10.2 million increase to support the development of a new Five-Year Plan for the OCS Oil and Gas Leasing Program.

Bureau of Safety and Environmental Enforcement – The 2018 President's budget request for BSEE is \$204.9 million, slightly above the 2017 CR level, including \$112.0 million in current appropriations and \$92.9 million in offsetting collections from rental receipts, cost recoveries, and inspection fees. The budget maintains a strong offshore safety and

environmental enforcement program by increasing appropriations and estimated inspection fee revenue to address anticipated shortfalls in offsetting rental receipts and other cost recoveries. The 2018 budget includes a \$1.2 million increase for technical training to expand staff development efforts for BSEE's inspector, engineer, and geoscientist workforce, and \$12.7 million for oil spill research, a reduction of \$2.2 million from 2017.

Bureau of Reclamation – The 2018 budget request for the Bureau of Reclamation is \$1.1 billion in discretionary appropriations. (b)(5)

(b)(5) This figure reflects a decrease of 13.1% from the 2017 CR level. Of the total, \$960 million is for the Water and Related Resources account, which is Reclamation's largest account; \$59 million is for the Policy and Administration account; \$37 million is for the California Bay Delta Restoration account; and \$41.4 million is for the Central Valley Project Restoration Fund. (b)(5)

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Office of Surface Mining Reclamation and Enforcement – The 2018 budget request for OSMRE is \$129.4 million in current appropriations, \$110.7 million below the 2017 CR level. The majority of this reduction reflects the elimination of \$89.9 million for Abandoned Mine Lands Economic Development Grants. Although beneficial, funding for this pilot program overlaps with existing mandatory Abandoned Mine Lands grants which continue without any proposed changes. The budget includes \$60.2 million for state and tribal regulatory grants, a level consistent with anticipated state and tribal program obligations.

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U.S. Geological Survey – The 2018 budget request for the USGS is \$922.2 million, \$137.8 million below the 2017 CR level. The budget includes \$70.9 million for satellite operations, which supports continued development of the Landsat 9 ground systems, supporting a launch date in early fiscal year 2021 to replace the Landsat 7 satellite, which is reaching the end of its usable life.

The request emphasizes energy and mineral development, supporting essential hazards monitoring, and providing scientific information to support decision making by resource managers and policy makers. The budget maintains support for nationwide networks of more than 8,000 streamgages and nearly 3,000 earthquake sensors. The request provides \$17.3 million for nationwide efforts to counter invasive species and wildlife diseases such as white-nose syndrome and highly pathogenic avian influenza, and the budget maintains \$17.3 million for 40 cooperative research units that support state-specific needs, particularly related to fish and game species. It continues acquisition of modern elevation data for Alaska and the three-year cycle of topographic map updates for the contiguous United States.

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The 2018 request proposes to realign the 2018 budget structure to create a new Land Resources activity to reflect focused science related to on-the-ground land management and adaptive management challenges. As part of this request, the budget proposes \$17.4 million for the National and Regional Climate Adaptation Science Centers, reflecting the proposed consolidation of eight regional centers to four.

Fish and Wildlife Service – The 2018 President’s budget requests \$1.3 billion for FWS programs, a decrease of \$202.9 million from the 2017 CR level. The budget includes \$1.2 billion for FWS operations, a decrease of \$85.3 million below 2017. Within Resource Management, the budget prioritizes funding to maintain operations and maintenance for the National Wildlife Refuge System (\$470.1 million) and the National Fish Hatchery System (\$51.9 million). Funding will continue operations for all refuge areas and hatchery sites.

The budget includes \$225.2 million for Ecological Services programs with an emphasis on species recovery and planning consultation activities. Consistent with efforts to focus adaptive management related science within the USGS, the request proposes to eliminate funding for Science Support at \$17.0 million and Landscape Conservation Cooperatives at \$13.0 million.

The budget is \$118.6 million for FWS conservation grants including \$52.8 million for State and Tribal Wildlife Grants, \$33.6 million for the North American Wetlands Conservation Fund, \$19.3 million for the Cooperative Endangered Species Conservation Fund, \$9.0 million for the Multinational Species Conservation Fund, and \$3.9 million for Neotropical Migratory Bird Conservation. Consistent with decreases in other land acquisition programs across the Department, the request proposes to eliminate funding for Cooperative Endangered Species Conservation Fund land acquisition grants.

National Park Service – The 2018 President’s budget request for NPS is \$2.6 billion, \$296.6 million below the 2017 CR level.

The budget proposes \$2.2 billion for NPS operations. Within this account, funding is prioritized for the care and maintenance of existing resources. The budget includes \$99.3 million for repair and rehabilitation projects, which addresses the deferred maintenance backlog, as well as \$112.7 million for cyclic maintenance projects, which ensures maintenance is conducted in a timely fashion to avoid increasing the deferred maintenance backlog.

The budget proposes \$226.5 million for Construction projects, an increase of \$34.0 million to help address deferred maintenance and allow for targeted and measurable upgrades to a number of the NPS’s highest priority assets. Within this request is \$18.2 million for phase one construction requirements for the Arlington Memorial Bridge. Also included in the request is \$15.0 million in appropriated funds for the Centennial Challenge program to provide the Federal match to leverage partner donations for signature projects and programs. An additional \$15.0 million from fee revenue is also anticipated for 2018 to support Centennial projects.

The request provides \$37.0 million for National Recreation and Preservation programs to support local community efforts to preserve natural and cultural resources. The budget assumes savings of \$18.8 million from the proposed elimination of payments to National Heritage Areas. The 2018 budget includes \$51.1 million for the Historic Preservation Fund core grants-in-aid programs. The budget proposes to shift support for Land and Water Conservation Fund State Grants from appropriated to mandatory funding comparable to an estimated \$90 million the program will receive from oil and gas activities from certain Gulf of Mexico offshore leases.

Indian Affairs – The 2018 President’s budget request for Indian Affairs is \$2.5 billion, \$303.3 million below the 2017 CR level. Funding for Operation of Indian Programs totals \$2.1 billion, a decrease of \$181.1 million below 2017. In 2018, priority is given to programs serving the broadest audience rather than initiatives or pilots. Within this total is \$786.4 million for Bureau of Indian Education programs where funding focuses on direct school operations and full funding for Tribal Grant Support Costs. The main operating account also includes \$349.3 million for Public Safety and Justice programs and \$277.5 million for Trust Services programs, which includes the elimination of the Tribal Climate Resilience program.

The budget fully funds Contract Support Costs at \$241.6 million, \$35.4 million below 2017, which will cover all anticipated requirements at the requested program funding level. The budget requests \$143.3 million for Construction programs. The 2018 budget prioritizes dams, irrigation projects, and irrigation systems which deliver water to aid economic development as well as protect lives, resources, and property. The budget prioritizes funding within education construction for operations and maintenance of existing facilities. The budget also includes \$14.0 million to provide payments to ongoing Indian Land and Water settlements and \$6.7 million for the Indian Guaranteed Loan Program.

Departmental Offices

Office of the Secretary – The 2018 budget request for Departmental Operations is \$123.9 million, \$596.5 million below the 2017 CR. The majority of this reduction is \$451.1 million associated with the shift of the Payments in Lieu of Taxes program which was appropriated within Departmental Operations in 2017. In 2018, the budget proposes to fund PILT as discretionary funding within Department-wide Programs. The budget also reflects the proposed transfer of \$140.3 million associated with the Office of Natural Resources Revenue to a new appropriation within Department-wide Programs. The proposed transfer of ONRR funding will increase transparency in the budget for the Department’s energy revenue programs. The 2018 request for remaining Office of Secretary programs reflects a reduction of \$4.0 million from central program management activities across the Office of the Secretary organization. Of this, \$2.6 million is associated with reductions to the Office of Valuation Services consistent with the proposed Department-wide decrease for new land acquisition.

Office of Insular Affairs – The 2018 OIA budget request is \$84.3 million, \$19.0 million below the 2017 CR. In addition, the majority of OIA’s budget proposal reflects a request to fully fund the renegotiated Compact with Palau by transferring \$123.9 million from the Department of Defense, rather than \$13.1 million in extended incremental annual payments. The Compact is an important element of the Pacific national security strategy.

Office of the Solicitor – The 2018 budget proposes \$65.7 million for the Office of the Solicitor, the same as the 2017 CR level, to provide legal counsel, administer the Department’s ethics program, and help resolve legal issues among bureaus and offices as they fulfill their duties.

Office of Inspector General – The 2018 budget proposes \$50.0 million for the Office of Inspector General, the same as the 2017 CR level, to continue support for audit and investigations across the Department.

Office of the Special Trustee for American Indians – The 2018 budget requests \$119.4 million for OST, \$19.4 million below the 2017 CR level. The budget proposes a \$3.7 million reduction below 2017 in Field Operations reflecting prioritization of services to continue operations at the beneficiary call center. A reduction of \$3.1 million is proposed within Historical Trust Accounting in expectation of reduced requirements. Smaller additional reductions are taken across the organization.

Department-wide Programs

Payments in Lieu of Taxes – The 2018 budget proposes \$396.9 million in discretionary funding for PILT, a decrease of \$54.3 million from the comparable 2017 CR level of \$451.1 million appropriated in Departmental Operations in 2016. This is a reduction of 12 percent, commensurate with the Department of the Interior's overall reduction from 2017 CR budget levels.

Office of Natural Resources Revenue – The 2018 budget request includes \$137.8 million for ONRR's receipts management programs, a decrease of \$2.5 million below the comparable 2017 CR level of \$140.3 million. The 2018 budget request proposes to transfer ONRR's receipts management program from the Office of the Secretary's Departmental Operations account to a separate appropriation within Department-wide Programs to increase transparency of the program. The request includes \$3.5 million for anticipated contract cost increases for the Minerals Revenue Management Support System.

Central Hazardous Materials Fund – The 2018 budget requests \$2.0 million for the Central Hazardous Materials Fund, \$8.0 million below the 2017 CR. The budget request funds program management and legal staff. The program will fund the highest priority remediation projects based on the availability of recoveries and focus resources on remediation projects with potentially responsible parties.

Wildland Fire Management – The 2018 budget request for the Wildland Fire Management Program is \$873.5 million. The total request represents a decrease of \$118.3 million from the 2017 CR level for the Wildland Fire Management and FLAME accounts. At this level the request provides \$389.4 million for Suppression Operations to fully fund the 10-year average. To streamline financial management processes and improve the efficiency in allocating suppression funding, the Department proposes to fund all suppression activities in the Wildland Fire Management account and eliminate the separate FLAME Wildfire Suppression Reserve Fund account once all current balances in the FLAME account are drawn down. The request also includes \$322.2 million for Preparedness activities, essentially level with 2017, and \$149.5 million for Fuels Management, \$20.2 million below 2017.

Natural Resource Damage Assessment and Restoration – The 2018 request for NRDAR is \$4.6 million, a decrease of \$3.2 million below the 2017 CR level. The budget includes funding needed for ongoing damage assessments and restoration activities.

Working Capital Fund – The 2018 budget proposes \$59.5 million for the appropriated portion of the Department's Working Capital Fund, a decrease of \$7.5 million from the 2017 CR level. The reduction is from funds requested for the Financial and Business Management System which

is proposed at \$46.3 million. The request maintains \$10.0 million for Department-wide Cybersecurity needs.

Legislative Proposals

Bureau of Reclamation Title Transfer – The Administration is developing a proposal to better facilitate title transfer of Reclamation facilities to non-Federal entities when such transfers are beneficial to all parties. This proposal will allow local water managers to make their own decisions to improve water management at the local level, while allowing Reclamation to focus management efforts on projects with a greater Federal nexus.

Cancel Southern Nevada Public Land Management Act Account Balances – The budget proposes legislation to cancel \$230.0 million in unobligated balances from the Southern Nevada Public Land Management Act program over a three year period. This would redirect a portion of the program balances to the Treasury for broader taxpayer use. The SNPLMA program is not proposed for elimination and viable conservation efforts will continue to be supported.

Gulf of Mexico Energy Security Act Payments – The Administration proposes to repeal revenue sharing payments to four coastal States – Alabama, Louisiana, Mississippi, and Texas – and their local governments, which are currently set to expand substantially starting in 2018. This proposal will ensure the sale of public resources from Federal waters owned by all Americans, benefits all Americans. Mandatory funding for LWCF State Grants would continue, but this legislative proposal would replace GOMESA’s complicated allocation formula with a fixed annual appropriation of a comparable dollar amount, starting at \$90.0 million in 2018 and increasing to \$125.0 million in 2022 and remaining at \$125.0 million each year thereafter.

Land and Water Conservation Fund – The LWCF receipts authorization expires at the end of fiscal year 2018 and the Administration will review options for reauthorization, including consideration of a range of conservation-related investments that could be funded through the LWCF.

Oil and Gas Leasing in the Arctic National Wildlife Refuge – The Administration will propose legislation to allow oil and gas leasing in the coastal plain of the Arctic National Wildlife Refuge also known as the “1002 area.” The budget assumes lease sales would begin in 2022 or 2023, allowing adequate time for the completion of appropriate environmental reviews and an updated assessment of the state of the oil and gas market and lease bidding potential prior to scheduling specific lease sales. An additional lease sale or sales would be held in 2026 or 2027. Lease sales in the ANWR are estimated to generate \$3.5 billion in bonus bids to be split between the U.S. Treasury and the State of Alaska. The proposal is estimated to generate a net of \$1.8 billion in new revenue to the Treasury over 10 years.

Reauthorize the Federal Land Transaction Facilitation Act – The budget assumes permanent reauthorization of FLTFA’s land sale authority, allowing Interior to dispose of lands with low conservation value and use the proceeds to acquire lands with higher conservation values, consistent with the original FLTFA mandate.

Recreation Fee Program – The budget proposes to permanently reauthorize the Federal Lands Recreation Enhancement Act, which currently expires in September 2018. As a precaution, appropriations language is also submitted with the budget proposing a one-year extension through September 2019. The revenues collected by Interior from these recreation fees – nearly \$290 million annually – are an important source of funding for land management operations, maintenance, and improvements to recreation facilities on public lands.

Termination of EPAct Geothermal Payments to Counties – The budget proposes to restore Federal geothermal leasing revenue allocations to the historical formula of 50 percent to the States and 50 percent to the U.S. Treasury by repealing Section 224(b) of the Energy Policy Act of 2005.

Offsetting Collections and Fees

Bureau of Safety and Environmental Enforcement Offshore Inspection Fees – The budget includes appropriations language to amend the current fee structure for BSEE inspection fees to better align with BSEE’s inspection practices and program costs. The language structures fees charged for the inspection of offshore facilities to distinguish between those “without processing equipment” or “with processing equipment” and incorporate consideration of the number of wells and water depth. These changes to the fee structure are estimated to generate \$65.0 million in 2018.

National Wildlife Refuge Damage Cost Recovery – The budget includes appropriations language to authorize the FWS to retain recoveries from responsible parties to restore or replace damages they cause. This is similar to authorities provided to the NPS for damages to national parks and monuments.

Conclusion

Thank you for the opportunity to testify on the President’s 2018 budget request for the Department of the Interior.

In closing, this is a responsible budget to help balance the Federal budget by 2027. It maintains core functions important to the American people, including providing the public the unique American experience that comes from visiting our parks, refuges, and public lands. It reflects tough choices to prioritize and focus limited resources where investments have the most impact, but continues to deliver access and services which are critical to Americans. I thank you again for your continued support of the Department’s mission. I look forward to answering questions about this budget. This concludes my written statement.

Deleted: ¶

To: Pletcher, Mary[mary_pletcher@ios.doi.gov]
From: Keable, Edward
Sent: 2017-05-17T18:56:23-04:00
Importance: Normal
Subject: Draft Memo
Received: 2017-05-17T18:56:51-04:00
DRAFT SES Management Memo.docx

Mary,

I have taken another look at my draft memo and made a few minor edits I want to make sure you see.

(b)(5)

(b)(5)

Thanks,

Ed

--

Edward T. Keable
Deputy Solicitor-General Law
Office of the Solicitor
U.S. Department of the Interior
Phone: 202-208-4423
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edward.keable@sol.doi.gov

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Memorandum

To: All Senior Executive Service Employees

From: Secretary

Subject: SES Management

(b)(5)

(b)(5)

(b)(5)

cc: Scott Hommel
James Cason
Douglas Domenech
Daniel Jorjani
Kate MacGregor
Virginia Johnson
Scott Cameron

To: Pletcher, Mary[mary_pletcher@ios.doi.gov]
From: Keable, Edward
Sent: 2017-05-13T12:54:53-04:00
Importance: Normal
Subject: DRAFT Memo
Received: 2017-05-13T12:55:21-04:00
DRAFT SES Management Memo.docx

Mary,

(b)(5)

Please review this draft and provide any comments you might have. This is just a first draft so I welcome any input you have to improve it even if you think it is all wrong. I just wanted to start the drafting process given the time sensitivities.

Thanks,

Ed

--

Edward T. Keable
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edward.keable@sol.doi.gov

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Kate MacGregor
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Scott Cameron

To: Scott Hommel[scott_hommel@ios.doi.gov]; Downey
Magallanes[downey_magallanes@ios.doi.gov]
From: Renner, Elinor
Sent: 2017-08-22T18:19:23-04:00
Importance: Normal
Subject: DOI 30-Day Policy Look Ahead for 8/21
Received: 2017-08-22T18:20:10-04:00
[DOI Cabinet 30 Day Report 8-21-17.docx](#)

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Elinor Renner
U.S. Department of the Interior
Immediate Office of the Secretary
Special Assistant to the Secretary
Washington, DC 20240
202-208-6087

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
August 22, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of August 22, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

1. **MONUMENT REVIEW:** We are preparing the report to comply with Executive Order 13792 of April 26, 2017 calling for a review of National Monuments. The Secretary has visited 5 states and met with countless stakeholders to conduct the review. The report will give general recommendations. Specific recommendations will be submitted separately as draft proposals for the President's consideration. The Secretary has briefed White House staff on preliminary recommendations and advised the White House Chief of Staff on the Department's rollout plan.
Timing: August 24, 2017
Contact: Downey Magallanes, Acting Deputy Chief of Staff
2. **NAITONAL PARK SERVICE FUNDING INITIATIVE:** August 25th is the 101st birthday of the National Park Service. The Secretary has submitted a funding initiative to OMB to create a maintenance account to address the \$11.5 billion in backlog maintenance. Addressing the backlog is critical to the park experience of over 300 million people every year. Secretary Zinke will announce his commitment to the parks on August 25th and requests POTUS involvement in the weeks after the event to announce a funding/restore our parks initiative.
Timing: August 25, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks
3. **NPS SENIOR PASS INCREASE:** The Department announced in July that beginning August 28, federal agencies would begin selling the new America the Beautiful Senior Pass, which allows lifetime access to certain federal lands. The new price for the Lifetime Senior Pass will be \$80, which is an increase from \$10. The annual senior pass will be \$20. This increase is mandated by the National Park Service Centennial Act, passed in December of 2016. Existing passes will be grandfathered.
Timing: August 28, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks
4. **CRITICAL MINERALS REPORT:** USGS will release a new report presenting resource and geologic information for 23 critical mineral commodities important to our national economy and national security, many of which are sourced entirely outside of the United States. This is the first update since the last assessment undertaken in 1973. The Department has proposed to the White House consideration of a draft Executive Order directing Interior to help coordinate the appropriate agencies to undertake a government-wide approach to facilitate the domestic mining and processing of critical minerals. Discussion on the contents of the E.O. is continuing. Interior is hosting a roundtable with mining executives on August 24 to discuss the issue.

Timing: August 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **VENTING AND FLARING RULE:** BLM will publish a proposed rule to suspend or delay requirements from the “Waste Prevention, Production Subject to Royalties and Resources Conservation” (Venting and Flaring) for 18 months until July 17, 2018. BLM is currently reviewing the final rule and wants to avoid imposing temporary or permanent compliance costs on operators for requirements that may be rescinded or significantly revised in the near future. The rule was sent to OMB on August 15, 2017.

Timing: Late August 2017 / Early September 2017

Contact: Vincent DeVito, Counselor to the Secretary for Energy Policy

Reports to Congress and Congressional Testimony

1. **DOI RECEIVED TWO PERTINENT MINORITY OVERSIGHT REQUESTS:** The Department received two politically-driven requests from Minority members. One is from the House, the other from the Senate. The House letter from five Maryland Democrats requests the Secretary to remove the statue of Gen. Lee from Antietam National Battlefield. The Secretary recently visited Antietam to announce NPS Battlefield grants where he made comments specific to the statue. Three Democrat Senators (Carper, Heitkamp, and Udall) sent an oversight letter to Secretary Zinke requesting information on the Secretary’s decision to reassign SES staffers, how it aligns with Congressional intent, and whether or not tribes were consulted.
Timing: August 21, 2017
Contact: Micah Chambers, Deputy Director, Congressional Affairs
2. **HILL NOTIFICATIONS FOR UPCOMING REPROGRAMMING REQUEST:** Pending OMB approval, the Department intends to notify the relevant authorizing and appropriating Committees (Senate Energy and Natural Resources, House Natural Resources, Senate Interior Appropriations Subcommittee, House Interior Appropriations Subcommittee) about the reorganization and realignment of the Office of the Special Trustee for American Indians (OST). DOI’s Program Management and Budget office and OMB are currently coordinating to secure approval. Notification to the Hill will entail formal letters and briefings for Committee staff, which OCL will coordinate.
Timing: September 2017
Contact: Amanda Kaster, Policy Adviser, Congressional Affairs
3. **SENIOR FWS OFFICIAL TO TESTIFY BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE:** Gary Frazer (Assistant Director for Ecological Services, U.S. Fish and Wildlife Service) will testify before the Permanent Subcommittee on Investigations regarding implementation of FAST-41. This provision was part of the FAST Act, which passed December 2015. The intent of the legislation is to coordinate the review process for infrastructure projects between all of the involved government agencies. This hearing is intended to highlight the reform and remind the Administration that this review process already exists as we seek to expedite/streamline the

environmental review process. This hearing was previously scheduled for July 26, 2017 but was postponed and has now rescheduled.

Timing: 10 am, September 7, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

4. **DOI NOMINEES IN PROGRESS:** Brenda Burman (BOR), Susan Combs (A/S PMB) and Doug Domenech (A/S Insular Areas) had their confirmation on Thursday the 20th before the Senate Energy and Natural Resources committee and they were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) was officially nominated and is set to appear before the Committee for his nomination hearing on September 7, 2017. Ryan Nelson (Solicitor) was officially nominated Wednesday August, 2nd. His committee paperwork has been submitted and Committee plans to include him in the hearing on the 7th with Mr. Balash.

Other/Awareness Only

1. **DOI POSTPONES ADVISORY BOARD MEETINGS.** The Department is continuing to review the charter and charge of the more than 200 boards, committees, and advisory panels to ensure they are structured to receive maximum public input and comply with the Federal Advisory Committee Act. The Department spends more than \$10 million to facilitate these boards and many are not meeting their charter obligations, are not meeting regularly, and have little turnover or numerous unfilled positions. Meetings have been postponed until September 2017 following the Department's review unless justified on a case-by-case basis.
Timing: September 1, 2017
Contact: Lori Mashburn, White House Liaison
2. **COORDINATED LONG-TERM OPERATION OF THE CENTRAL VALLEY PROJECT (CVP) AND THE CALIFORNIA STATE WATER PROJECT (SWP)**
Reclamation will announce a Notice of Intent (NOI) and Public Meetings for Reinitiation of Consultation under the ESA of the Coordinated Long-Term Operation of the Central Valley Project and the California State Water Project, based on new information regarding multiple years of drought and low populations of listed species. It is anticipated this joint NEPA and Endangered Species Act process will take three to five years to complete. This will dictate the operations of the CVP and SWP. In mid-September, pending Department approval, Reclamation will announce through a Federal Register publication the NOI and Public Meetings to be held in October.
Timing: August 2017
Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science
3. **CNN ANTIETAM NATIONAL BATTLEFILED STORY:** CNN will be at Antietam National Battlefield to film a features story about the battle, the upcoming 150th anniversary of Antietam National Cemetery on September 17, and projects that will be completed using President Trump's first quarter salary with additional funds from the National Park Foundation, Civil War Trust, and Save Historic Antietam Foundation.
Timing: August 24, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

4. **DANEROUS URANIUM MINE DECISION:** BLM-UT's Monticello Field Office intends to issue a decision approving a modification to the plan of operations for the Daneros Uranium Mine in San Juan County. The proposed modification could increase ore production from 100,000 tons over seven years, to 500,000 tons over 20 years, and could generate up to 40 jobs. The mine is located just outside the current boundary of the Bears Ears National Monument.

Timing: August 28 – End of August

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

5. **ONSHORE OIL AND GAS PERMITTING ON FEDERAL LAND:** Throughout June, the Bureau of Land Management will hold online oil and gas lease sales.

- Colorado. On September 7, BLM-CO will hold an online oil and gas lease sale for 10 parcels totaling 1,227 acres in Cheyenne, Baca, Kiowa, Yuma, Morgan, and Weld Counties, CO.
- New Mexico. On September 7, BLM-NM will hold an online oil and gas lease sale for 62 parcels totaling 15,731 acres in Eddy, Chaves, Quay, Curry, Roosevelt, and Lea Counties, NM.
- Nevada. On September 12, BLM-NV will hold an online oil and gas lease sale for three parcels totaling 3,680 acres in Nye County, NV.
- Utah. On September 12, BLM-UT will hold an online oil and gas lease sale for 15 parcels totaling 4,438 acres in Juab County, UT.

Timing: August 15 – September 12, 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

6. **ROSEBUD MINE ADDITION:** In mid-September, OSMRE anticipates publishing an NOA of a Draft Environmental Impact Statement (DEIS) for Western Energy Company's Rosebud Mine proposed Permit Area F. The proposed permit area, which is located near Colstrip, MT, would add 6,746 acres to the 25,576-acre surface coal mine. The mine currently employs 400 people and produces 12.3 million tons per year.

Timing: Mid-September 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

7. **SECRETARY ZINKE INVITED TO THE EVERGLADES BY BIPARTISAN FLORIDA CONGRESSIONAL DELEGATION:** Sen. Rubio led a letter to Sec. Zinke inviting him to tour the Everglades as soon as possible. No policy position touted within the letter, other than the importance of the Everglades to Florida. No date has been confirmed, but the Secretary has made it a priority. He would like to discuss the issue with Sen. Rubio over the phone in the immediate future before any trip is scheduled.

Timing: TBD, Early November or December dates have been proposed

Contact: Micah Chambers, Deputy Director, Congressional Affairs

8. **SECRETARY ZINKE HAS BEEN INVITED BY SENATOR CASSIDY TO VISIT LOUISIANA AND THE GULF STATES:** Official invite was received July 28, 2017 from Senator Cassidy's staff for the Secretary to tour the Gulf States and personally see the offshore oil industry, restoring the coast and the benefits of GOMESA. This is in reaction to the FY18

Budget proposal to eliminate state revenue sharing for the Gulf States. Secretary Zinke had two exchanges on this topic during his House and Senate budget hearings with Sen. Cassidy and Rep. Graves. In addition, he hosted members of the Louisiana and Texas delegations to discuss GOMESA and they reiterated the issue and reaffirmed their invite to the Secretary.

Timing: TBD

Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other Significant Rulemakings and Actions

1. PUBLIC PRIVATE PARTNERSHIP/RECREATION TASK FORCE:

Secretary Zinke will visit Great Smokey Mountains National Park with Senator Lamar Alexander (TN) on Friday August 25th to celebrate the 101th Birthday of the National Park Service. The secretary will announce the formation of a new task force dedicated to recreational access on public lands. Sec. Zinke will also discuss plans to address the maintenance backlog.

Timing: August 25, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary of Fish and Wildlife and Parks

2. IMPORTS OF AFRICAN ELEPHANT TROPHIES FROM ZIMBABWE: The Fish and Wildlife Service (FWS) plans to publish in the *Federal Register* a change to the permitting status for imports of African elephant trophies from Zimbabwe. After receiving information from Zimbabwe on a number of substantial improvements to their management program and elephant conservation efforts, FWS has determined that taking of African elephant trophy animals in Zimbabwe on or after January 21, 2016 (the date that Zimbabwe's new management plan was officially adopted) through 2017 would enhance the survival of African elephants, and import permits can be issued for these trophies.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. GATEWAY WEST TRANSMISSION LINE: This week BLM will issue a Notice of Intent for an Environmental Assessment to propose an alternate route for the Gateway West Transmission Line in Idaho. The line's current route cuts through neighborhoods and populated areas in order to avoid a National Conservation Area. The FY2017 funding bill included legislation rerouting the line away from the current controversial route.

Timing: August 24, 2017

Contact: Kathy Benedetto, Senior Advisor, Bureau of Land Management

4. MINUTE 323 – U.S./MEXICO COOPERATION ON THE COLORADO RIVER.

The Colorado River is shared among seven states in the U.S., and is also shared between the U.S. and Mexico. The Colorado is experiencing an extended period of historic drought since 2000 and a Drought Contingency Plan is being developed amongst states. Negotiations have been underway for a 9-year agreement with Mexico to provide operation certainty regarding deliveries to Mexico, referred to as "Minute 323," to include reductions and water savings at specific Lake Mead elevations, investment to conserve Colorado River water supplies, and enhancement of environmental and riparian resources. The U.S. State Department is proceeding with their

clearance process so that DOI can proceed with review and clearance of the domestic agreements, to finalize and adopt the domestic agreements that are necessary to implement Minute 323 by the end of September 2017.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **CAPE WIND.** In early September, BOEM plans to publish the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Cape Wind Project. The Final SEIS will supplement the 2009 Final EIS and is being prepared pursuant to a remand order from the D.C. Circuit Court.

Timing: Early September

Contact: James Schindler, Special Assistant Bureau of Ocean Energy Management

6. **NAVAJO GENERATING STATION.** On July 2, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station through 2019. The Department's Bureau of Reclamation is a part owner of the power generated by the plant and thus the Administration has a role in the ultimate decision associated with the plant. Interior is helping to identify a possible future owner to keep the plant generating power indefinitely, since the current owners will exit the plant at the end of 2019. On July 19, Navajo representatives met with the Bureau of Reclamation and requested another stakeholder meeting. A multiple stakeholder meeting is being discussed for September. On July 28, Peabody Energy and Lazard (investment banking) met with representatives from DOI to discuss potential of investors. Initial discussions sound positive and Lazard hopes to have initial bid proposals by mid-September.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:**

National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: August 31, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary for Fish and Wildlife and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. **NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA) GRANTS:** The FWS will announce the Migratory Bird Conservation Commission (MBCC), chaired by

Secretary Zinke, that will approve funding for the first round of FY 2018 NAWCA grants, as well as land acquisitions and lease agreements for national wildlife refuges using Migratory Bird Conservation Fund money. The MBCC will also hear a report on NAWCA small grants, which were approved by the North American Wetlands Conservation Council earlier this year.

Timing: September 6, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

- August 24 **Secretary Zinke** tentatively traveling to Montana with Secretary Purdue to visit forest fire at Lolo National Forest.

- August 25 **Secretary Zinke** traveling to Tennessee and on to North Carolina to visit Smoky Mountains National Park and Blue Ridge Parkway National Park to give Founders Day remarks.

- September 9-10 **Secretary Zinke** will attend the Cabinet Meeting.

- September 10-11 **Secretary Zinke** will travel to Pennsylvania to visit Flight 93 National Memorial.

- September 12 **Secretary Zinke** will travel to Pennsylvania to visit Valley Forge National Battlefield.

- September 13 **Secretary Zinke** will travel to Pennsylvania to visit Independence National Historic Park.

- September 14-15 **Secretary Zinke** will travel to New York and New Jersey to visit New York City and the Gateway National Recreation Area.

- September 20-21 **Secretary Zinke** will travel to Missouri to attend the Johnny Morris Wonders of Wildlife Museum Celebration.

- September 22 **Secretary Zinke** will travel to Texas to attend the National Rifle Association's Women's Leadership Forum Summit.

To: Cabinet Affairs[(b)(6).gov];
[(b)(6).gov] (b)(6).gov]; Staff
Secretary[(b)(6).gov]
Cc: Scott Hommel[scott_hommel@ios.doi.gov]
From: Scott Hommel
Sent: 2017-08-22T18:27:13-04:00
Importance: Normal
Subject: DOI 30-Day Policy Look Ahead for 8/22
Received: 2017-08-22T18:27:22-04:00
[DOI Cabinet 30 Day Report 8-21-17.docx](#)

Please see attached.

V/R

Scott Hommel

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY
August 22, 2017

FROM: Scott Hommel, Chief of Staff, U.S. Department of the Interior

SUBJECT: Interior Department Weekly Update for the Week of August 22, 2017

DOI 30-Day Policy Look Ahead

Presidential Initiatives and Awareness

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Timing: Late August 2017 / Early September 2017

Contact: Vincent DeVito, Counselor to the Secretary for Energy Policy

Reports to Congress and Congressional Testimony

1. **DOI RECEIVED TWO PERTINENT MINORITY OVERSIGHT REQUESTS:** The Department received two politically-driven requests from Minority members. One is from the House, the other from the Senate. The House letter from five Maryland Democrats requests the Secretary to remove the statue of Gen. Lee from Antietam National Battlefield. The Secretary recently visited Antietam to announce NPS Battlefield grants where he made comments specific to the statue. Three Democrat Senators (Carper, Heitkamp, and Udall) sent an oversight letter to Secretary Zinke requesting information on the Secretary’s decision to reassign SES staffers, how it aligns with Congressional intent, and whether or not tribes were consulted.

Timing: August 21, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

2. **HILL NOTIFICATIONS FOR UPCOMING REPROGRAMMING REQUEST:** Pending OMB approval, the Department intends to notify the relevant authorizing and appropriating Committees (Senate Energy and Natural Resources, House Natural Resources, Senate Interior Appropriations Subcommittee, House Interior Appropriations Subcommittee) about the reorganization and realignment of the Office of the Special Trustee for American Indians (OST). DOI’s Program Management and Budget office and OMB are currently coordinating to secure approval. Notification to the Hill will entail formal letters and briefings for Committee staff, which OCL will coordinate.

Timing: September 2017

Contact: Amanda Kaster, Policy Adviser, Congressional Affairs

3. **SENIOR FWS OFFICIAL TO TESTIFY BEFORE THE SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS COMMITTEE:** Gary Frazer (Assistant Director for Ecological Services, U.S. Fish and Wildlife Service) will testify before the Permanent Subcommittee on Investigations regarding implementation of FAST-41. This provision was part of the FAST Act, which passed December 2015. The intent of the legislation is to coordinate the review process for infrastructure projects between all of the involved government agencies. This hearing is intended to highlight the reform and remind the Administration that this review process already exists as we seek to expedite/streamline the

environmental review process. This hearing was previously scheduled for July 26, 2017 but was postponed and has now rescheduled.

Timing: 10 am, September 7, 2017

Contact: Micah Chambers, Deputy Director, Congressional Affairs

4. **DOI NOMINEES IN PROGRESS:** Brenda Burman (BOR), Susan Combs (A/S PMB) and Doug Domenech (A/S Insular Areas) had their confirmation on Thursday the 20th before the Senate Energy and Natural Resources committee and they were passed out of committee August 3, 2017. Joe Balash (Assistant Secretary, Land & Minerals) was officially nominated and is set to appear before the Committee for his nomination hearing on September 7, 2017. Ryan Nelson (Solicitor) was officially nominated Wednesday August, 2nd. His committee paperwork has been submitted and Committee plans to include him in the hearing on the 7th with Mr. Balash.

Other/Awareness Only

1. **DOI POSTPONES ADVISORY BOARD MEETINGS.** The Department is continuing to review the charter and charge of the more than 200 boards, committees, and advisory panels to ensure they are structured to receive maximum public input and comply with the Federal Advisory Committee Act. The Department spends more than \$10 million to facilitate these boards and many are not meeting their charter obligations, are not meeting regularly, and have little turnover or numerous unfilled positions. Meetings have been postponed until September 2017 following the Department's review unless justified on a case-by-case basis.
Timing: September 1, 2017
Contact: Lori Mashburn, White House Liaison
2. **COORDINATED LONG-TERM OPERATION OF THE CENTRAL VALLEY PROJECT (CVP) AND THE CALIFORNIA STATE WATER PROJECT (SWP)**
 Reclamation will announce a Notice of Intent (NOI) and Public Meetings for Reinitiation of Consultation under the ESA of the Coordinated Long-Term Operation of the Central Valley Project and the California State Water Project, based on new information regarding multiple years of drought and low populations of listed species. It is anticipated this joint NEPA and Endangered Species Act process will take three to five years to complete. This will dictate the operations of the CVP and SWP. In mid-September, pending Department approval, Reclamation will announce through a Federal Register publication the NOI and Public Meetings to be held in October.
Timing: August 2017
Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science
3. **CNN ANTIETAM NATIONAL BATTLEFILED STORY:** CNN will be at Antietam National Battlefield to film a features story about the battle, the upcoming 150th anniversary of Antietam National Cemetery on September 17, and projects that will be completed using President Trump's first quarter salary with additional funds from the National Park Foundation, Civil War Trust, and Save Historic Antietam Foundation.
Timing: August 24, 2017
Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

4. **DANEROUS URANIUM MINE DECISION:** BLM-UT's Monticello Field Office intends to issue a decision approving a modification to the plan of operations for the Daneros Uranium Mine in San Juan County. The proposed modification could increase ore production from 100,000 tons over seven years, to 500,000 tons over 20 years, and could generate up to 40 jobs. The mine is located just outside the current boundary of the Bears Ears National Monument.

Timing: August 28 – End of August

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

5. **ONSHORE OIL AND GAS PERMITTING ON FEDERAL LAND:** Throughout June, the Bureau of Land Management will hold online oil and gas lease sales.

- Colorado. On September 7, BLM-CO will hold an online oil and gas lease sale for 10 parcels totaling 1,227 acres in Cheyenne, Baca, Kiowa, Yuma, Morgan, and Weld Counties, CO.
- New Mexico. On September 7, BLM-NM will hold an online oil and gas lease sale for 62 parcels totaling 15,731 acres in Eddy, Chaves, Quay, Curry, Roosevelt, and Lea Counties, NM.
- Nevada. On September 12, BLM-NV will hold an online oil and gas lease sale for three parcels totaling 3,680 acres in Nye County, NV.
- Utah. On September 12, BLM-UT will hold an online oil and gas lease sale for 15 parcels totaling 4,438 acres in Juab County, UT.

Timing: August 15 – September 12, 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

6. **ROSEBUD MINE ADDITION:** In mid-September, OSMRE anticipates publishing an NOA of a Draft Environmental Impact Statement (DEIS) for Western Energy Company's Rosebud Mine proposed Permit Area F. The proposed permit area, which is located near Colstrip, MT, would add 6,746 acres to the 25,576-acre surface coal mine. The mine currently employs 400 people and produces 12.3 million tons per year.

Timing: Mid-September 2017

Contact: Kate MacGregor, Acting Assistant Secretary for Land and Minerals

7. **SECRETARY ZINKE INVITED TO THE EVERGLADES BY BIPARTISAN FLORIDA CONGRESSIONAL DELEGATION:** Sen. Rubio led a letter to Sec. Zinke inviting him to tour the Everglades as soon as possible. No policy position touted within the letter, other than the importance of the Everglades to Florida. No date has been confirmed, but the Secretary has made it a priority. He would like to discuss the issue with Sen. Rubio over the phone in the immediate future before any trip is scheduled.

Timing: TBD, Early November or December dates have been proposed

Contact: Micah Chambers, Deputy Director, Congressional Affairs

8. **SECRETARY ZINKE HAS BEEN INVITED BY SENATOR CASSIDY TO VISIT LOUISIANA AND THE GULF STATES:** Official invite was received July 28, 2017 from Senator Cassidy's staff for the Secretary to tour the Gulf States and personally see the offshore oil industry, restoring the coast and the benefits of GOMESA. This is in reaction to the FY18

Budget proposal to eliminate state revenue sharing for the Gulf States. Secretary Zinke had two exchanges on this topic during his House and Senate budget hearings with Sen. Cassidy and Rep. Graves. In addition, he hosted members of the Louisiana and Texas delegations to discuss GOMESA and they reiterated the issue and reaffirmed their invite to the Secretary.

Timing: TBD

Contact: Micah Chambers, Deputy Director, Congressional Affairs

Other Significant Rulemakings and Actions

1. PUBLIC PRIVATE PARTNERSHIP/RECREATION TASK FORCE:

Secretary Zinke will visit Great Smokey Mountains National Park with Senator Lamar Alexander (TN) on Friday August 25th to celebrate the 101th Birthday of the National Park Service. The secretary will announce the formation of a new task force dedicated to recreational access on public lands. Sec. Zinke will also discuss plans to address the maintenance backlog.

Timing: August 25, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary of Fish and Wildlife and Parks

2. IMPORTS OF AFRICAN ELEPHANT TROPHIES FROM ZIMBABWE: The Fish and Wildlife Service (FWS) plans to publish in the *Federal Register* a change to the permitting status for imports of African elephant trophies from Zimbabwe. After receiving information from Zimbabwe on a number of substantial improvements to their management program and elephant conservation efforts, FWS has determined that taking of African elephant trophy animals in Zimbabwe on or after January 21, 2016 (the date that Zimbabwe's new management plan was officially adopted) through 2017 would enhance the survival of African elephants, and import permits can be issued for these trophies.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. GATEWAY WEST TRANSMISSION LINE: This week BLM will issue a Notice of Intent for an Environmental Assessment to propose an alternate route for the Gateway West Transmission Line in Idaho. The line's current route cuts through neighborhoods and populated areas in order to avoid a National Conservation Area. The FY2017 funding bill included legislation rerouting the line away from the current controversial route.

Timing: August 24, 2017

Contact: Kathy Benedetto, Senior Advisor, Bureau of Land Management

4. MINUTE 323 – U.S./MEXICO COOPERATION ON THE COLORADO RIVER.

The Colorado River is shared among seven states in the U.S., and is also shared between the U.S. and Mexico. The Colorado is experiencing an extended period of historic drought since 2000 and a Drought Contingency Plan is being developed amongst states. Negotiations have been underway for a 9-year agreement with Mexico to provide operation certainty regarding deliveries to Mexico, referred to as "Minute 323," to include reductions and water savings at specific Lake Mead elevations, investment to conserve Colorado River water supplies, and enhancement of environmental and riparian resources. The U.S. State Department is proceeding with their

clearance process so that DOI can proceed with review and clearance of the domestic agreements, to finalize and adopt the domestic agreements that are necessary to implement Minute 323 by the end of September 2017.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

5. **CAPE WIND.** In early September, BOEM plans to publish the Record of Decision for the Final Supplemental Environmental Impact Statement (SEIS) for the Cape Wind Project. The Final SEIS will supplement the 2009 Final EIS and is being prepared pursuant to a remand order from the D.C. Circuit Court.

Timing: Early September

Contact: James Schindler, Special Assistant Bureau of Ocean Energy Management

6. **NAVAJO GENERATING STATION.** On July 2, the Navajo government approved a two-year lease extension for continuing operation of the Navajo Generating Station through 2019. The Department's Bureau of Reclamation is a part owner of the power generated by the plant and thus the Administration has a role in the ultimate decision associated with the plant. Interior is helping to identify a possible future owner to keep the plant generating power indefinitely, since the current owners will exit the plant at the end of 2019. On July 19, Navajo representatives met with the Bureau of Reclamation and requested another stakeholder meeting. A multiple stakeholder meeting is being discussed for September. On July 28, Peabody Energy and Lazard (investment banking) met with representatives from DOI to discuss potential of investors. Initial discussions sound positive and Lazard hopes to have initial bid proposals by mid-September.

Timing: September 2017

Contact: Dr. Andrea Travnicek, Acting Assistant Secretary for Water and Science

Release of High-Profile Grants

1. **URBAN PARTNERSHIP GRANTS:**

National Fish and Wildlife Foundation (NFWF) in cooperation with US Fish & Wildlife, will award over \$2 million in grants under their Five Star and Urban Waters Restoration Program. The grants fund multiple federal initiatives, including new and existing Urban Wildlife Refuge Partnerships and Urban Bird Treaty cities. NFWF will make its initial announcement and FWS will follow the next day.

Timing: August 31, 2017

Contact: Marshall Critchfield, Advisor, Assistant Secretary for Fish and Wildlife and Parks

2. **CENTENNIAL CHALLENGE PROJECTS:** The NPS will announce the award of \$18 million in Centennial Challenge projects. Many of the projects accomplish deferred maintenance projects, and all represent public-private partnerships, since each project requires a minimum 50/50 match with non-Federal funds.

Timing: August 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

3. **NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA) GRANTS:** The FWS will announce the Migratory Bird Conservation Commission (MBCC), chaired by

Secretary Zinke, that will approve funding for the first round of FY 2018 NAWCA grants, as well as land acquisitions and lease agreements for national wildlife refuges using Migratory Bird Conservation Fund money. The MBCC will also hear a report on NAWCA small grants, which were approved by the North American Wetlands Conservation Council earlier this year.

Timing: September 6, 2017

Contact: Todd Willens, Acting Assistant Secretary for Fish, Wildlife, and Parks

Key Events for Upcoming 30-Days

Travel by Secretary

- August 24 **Secretary Zinke** tentatively traveling to Montana with Secretary Purdue to visit forest fire at Lolo National Forest.

- August 25 **Secretary Zinke** traveling to Tennessee and on to North Carolina to visit Smoky Mountains National Park and Blue Ridge Parkway National Park to give Founders Day remarks.

- September 9-10 **Secretary Zinke** will attend the Cabinet Meeting.

- September 10-11 **Secretary Zinke** will travel to Pennsylvania to visit Flight 93 National Memorial.

- September 12 **Secretary Zinke** will travel to Pennsylvania to visit Valley Forge National Battlefield.

- September 13 **Secretary Zinke** will travel to Pennsylvania to visit Independence National Historic Park.

- September 14-15 **Secretary Zinke** will travel to New York and New Jersey to visit New York City and the Gateway National Recreation Area.

- September 20-21 **Secretary Zinke** will travel to Missouri to attend the Johnny Morris Wonders of Wildlife Museum Celebration.

- September 22 **Secretary Zinke** will travel to Texas to attend the National Rifle Association's Women's Leadership Forum Summit.

To: elinor_renner@ios.doi.gov[elinor_renner@ios.doi.gov]
From: Scott Hommel
Sent: 2017-08-22T18:28:27-04:00
Importance: Normal
Subject: Fwd: DOI 30-Day Policy Look Ahead for 8/22
Received: 2017-08-22T18:28:37-04:00
[ATT00001.htm](#)
[DOI Cabinet 30 Day Report 8-21-17.docx](#)

Can you forward to all politicals?

Scott

Scott C. Hommel
Chief of Staff
Department of the Interior

Begin forwarded message:

From: Scott Hommel <scott_hommel@ios.doi.gov>
Date: August 22, 2017 at 6:27:13 PM EDT
To: Cabinet Affairs <CabinetAffairs@who.eop.gov>, William.J.McGinley@who.eop.gov, Staff Secretary <staffsecretary@who.eop.gov>
Cc: Scott Hommel <scott_hommel@ios.doi.gov>
Subject: DOI 30-Day Policy Look Ahead for 8/22

Please see attached.

V/R

Scott Hommel